



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Phillip G. Edwards, Esq., Senior Research Analyst
Office of the Commission Auditor (OCA)

Manny Sarria, Non-Voting Chairperson
Miami-Dade County Homeless Trust

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-76 [Voting Conflict of Interest § 2-11.1(v); Appearances of
Impropriety]

DATE: July 16, 2020

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: We have reviewed your memorandum dated June 26, 2020, which was prepared in connection with the Appointment of Selection Committee for Miami-Dade County Homeless Trust's Request for Applications (RFA) for the 2020 NOFA Collaborative Application. The memorandum was prepared in connection with Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The memorandum noted that a member of the selection committee made disclosures on his resume that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum notes: Paul Imbrone stated on his resume that he served on the Camillus House Foundation Board for two years, from 2008 to 2010. Camillus House, Inc., is a respondent to the solicitation.

We conferred with Mr. Imbrone. He serves as the Director of Landlord Recruitment and Retention at the Miami-Dade Homeless Trust RentConnect program.¹ He has been so employed since 2018. He confirmed that he previously served on the Camillus House

¹ RentConnect is part of the Miami-Dade County Homeless Trust Continuum of Care. It is a team of housing professionals who connect landlords with tenants in an effort to ensure homeless individuals and families have a home.

Foundation Board (hereinafter “CHFb”). He noted that his service on CHFb ended amicably in 2010. He has no ownership interest or other financial interest in Camillus House. He does not have any business, close social, or other relationship with any current employee at the entity. He believes he can be fair and impartial when evaluating the respondents to this solicitation.

Discussion: This agency conducts reviews of these issues under the County Ethics Code, which governs conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

Specifically, Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person serves if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary’ or (ii) stock holder, bondholder, debtor or creditor.

Based on the facts provided to the Commission on Ethics, it does not appear that Mr. Imbrone has a voting conflict of interest under Section (v) of the County Ethics Code because he will not be directly affected by the vote and he does not have any of the enumerated relationships with an entity affected by the vote.

Further, as noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, this agency also opines concerning whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of an appointed selection committee. *See* Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure.

As Mr. Imbrone’s service on CHFb ended over ten years ago on an amicable basis and he does not have any business, or close social relationship with current employees at the entity, it is our opinion that his prior board service would not create any appearance of impropriety or in any way detract from the County’s conducting a fair and objective evaluation for this project. *See* INQ 20-73, INQ 18-202, and INQ 17-69.

Opinion: Consequently, we see no reason why Mr. Imbrone should not serve on this selection committee because he does not have a conflict of interest under the Ethics Code and there does not appear to be any appearance of impropriety created by his service on this committee.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.