



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Manny Sarria, Non-Voting Chairperson
Homeless Trust

Phillip G. Edwards, Esq., BCC Research Manager
Office of the Commission Auditor (OCA)

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2021- 67 [Voting Conflict of Interest § 2-11.1(v); Appearances of
Impropriety]

DATE: April 12, 2021

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 March 17, 2021, which was prepared in connection with the Appointment of the Selection Committee for Miami-Dade County Homeless Trust Request for Applications (RFA) for State Emergency Solutions Grant CV 2 Funds. 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 four members of the selection committee made disclosures on their Neutrality/Disclosure Form and/or resumé that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum notes that: “(1) Manuel Sarria, Miami-Dade County Homeless Trust, indicated on his resumé that he was previously employed as the Director of Housing at Citrus Health Network from October 1996 until June 2014. Citrus Health Network is a respondent to the RFA. Mr. Sarria also indicated on his resumé that he was involved in committee work for Chapman Partnership, a respondent to the RFA. (2) Elizabeth Regalado, Domestic Violence Oversight Board, indicated on her resumé that she was employed by Miami-Dade County Community Action and Human Services Department from 1987 to 1989. The Community Action and Human Services Department is a respondent to the RFA. (3) Paul Imbrone, Rent Connect, indicated

on his resumé that he served on the Board of the Camillus House Foundation. Camillus House is a respondent to the RFA. (4) Terrell Thomas-Ellis, Miami-Dade County Homeless Trust, indicated on her resumé that she worked for the Miami-Dade County Community Action and Human Services Department from December 1995 to September 1998. The Community Action and Human Services Department is a respondent to the RFA.”

Manny Sarria

We have conferred with Mr. Sarria. He stated that he is the Assistant Executive Director of the Miami-Dade County Homeless Trust. He has been so employed since June 2014. He previously worked for Citrus, as the entity’s Director of Housing. He stopped working for Citrus in June 2014, when he commenced his employment at the County. He has not worked for Citrus, in any capacity, since he commenced his County employment. He stated that he does not have a direct interest in Citrus or any of the responding firms to the RFA; nor does he serve as officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stock holder, bondholder, debtor or creditor, to any of the entities. He stated that he does not have any personal friendships or relationships with persons that work for Citrus that would prevent him from exercising his best judgment for the benefit of the County. Mr. Sarria did not believe that his prior employment with Citrus would in any way interfere with his objective and independent judgment in the selection process.

Additionally, Mr. Sarria confirmed that he was involved in committee work for Chapman Partnership (CP), a respondent to the RFA. He explained that his committee work with CP involved planning for the collection of donated suits and dresses for prom. He stated that his committee work for CP took place prior to his employment at Miami-Dade County which commenced in 2014. He advised that he does not have a direct interest in CP or any of the responding firms to the RFA; nor does he serve as officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor, to any of the entities. He does not have any personal friendships or relationships with persons that work for CP that would prevent him from exercising his best judgment for the benefit of the County. Mr. Sarria did not believe that his prior committee with CP would in any way interfere with his objective and independent judgment in the selection process.

Elizabeth Regalado

We conferred with Ms. Regalado. She is the Executive Director of the Miami-Dade County Domestic Violence Oversight Board (hereinafter “DVOB”). She explained that she was previously employed by Miami-Dade County Department of Human Services (DHS) from 1987 to 1989, before the department was merged with Community Action Agency and became the current Community Action and Human Services (CAHSD), a respondent to this RFA. She never actually worked for CAHSD. She does not serve as officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor, to any of the entities and or County department that have responded to this RFA. She also does not have any business, close social, or other

relationship with any current employee at CAHSD. Ms. Regalado believes she can be fair and impartial when evaluating the respondents to this project.

Paul Imbrone

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

Terrell Thomas-Ellis

We conferred with Ms. Thomas-Ellis. She is employed as Lead Contracts Officer at Miami-Dade County Homeless Trust. She explained that she was previously employed by Miami-Dade County Department of Human Services (DHS) from 1995 to 1998, before the department was merged with Community Action Agency and became the current Community Action and Human Services (CAHSD), a respondent to this RFA. She indicated that the termination of her employment with DHS was amicable. She never actually worked for CAHSD. She does not serve as officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary, stockholder, bondholder, debtor or creditor, to any entity or government department that responded to this RFA. She also does not have any business, close social, or other relationship with any current employee at CAHSD. Ms. Thomas-Ellis believes she can be fair and impartial when evaluating the respondents to this project

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 sits 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.

It does not appear that Mr. Sarria, Mr. Imbrone, Ms. Regalado, and Ms. Thomas-Ellis have a voting conflict of interest under Section (v) of the County Ethics Code because they will not be directly affected by the vote and they do not currently have any of the enumerated relationships with an entity affected by the vote.

Additionally, Section 2-11.1(x) of the County Ethics Code, commonly referred to as the Reverse Two-Year Rule, which bars County employees from participating in contract-related duties on behalf of the County with a former employer for a period of two years following termination of the employment relations, would not apply to Mr. Sarria, Ms. Regalado, and Ms. Thomas-Ellis since Mr. Sarria stopped working for Citrus over six years ago, and Ms. Thomas-Ellis and Ms. Regalado never worked for CAHSD.¹ See INQ 17-174, INQ 17-183, and INQ 18-229.

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.

The COE has advised in some of its informal opinions that an individual's appointment to a selection committee shortly after the two-year proscription, in Section (x) of the Ethics Code, although not expressly prohibited, may create an appearance of impropriety. See INQ 12-62, and INQ 16-161. In both cited informal opinions, the individuals were appointed to the selection committee prior to the termination of the two-year prohibition, but the actual selection committee meetings commenced after the two-year period expired. In both cases, the COE advised that the individuals should not serve on those selection committees as they were appointed and began their official duties prior to the expiration of the two-year period.

In this case, Mr. Sarria stopped working for Citrus over six years ago- on an amicable basis, and Ms. Regalado and Ms. Thomas-Ellis never worked for CAHSD. They do not have any business, or close social relationship with current employees at the entities that have responded to this RFA. Thus, it is our opinion that Mr. Sarria's prior employment at Citrus, and Ms. Regalado and Ms. Thomas Ellis' prior employment at DHS, 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 17-174, INQ 17-183, 17-193, INQ 18-229, and INQ 19-80.

As to Mr. Sarria's committee work for CP and Mr. Imbrone's service on CHFb, we do not believe that either would create any appearance of impropriety or in any way detract from the County's conducting a fair and objective evaluation of this project as Mr. Imbrone's service on CHFb ended over ten years ago on an amicable basis and Mr. Sarria's committee work for CP ended at least six years ago; and neither Mr. Sarria nor Mr. Imbrone have any business, or close social relationship with current employees at the entities. See INQ 17-69, INQ 18-202, INQ 20-73, and INQ 20-76.

Opinion: Consequently, based on the facts presented, Mr. Sarria, Ms. Regalado, Mr. Imbrone, and Ms. Thomas-Ellis do not have a conflict of interest under the Ethics Code

¹ Notably, Ms. Thomas-Ellis and Ms. Regalado's employment with DHS, the department that merged with Community Action Agency and became the current CAHSD, ended over twenty years ago, thus Section 2-11.1(x) would not prohibit their participation on this selection committee.

that would prevent them from serving on this selection committee, and there does not appear to be any appearance of impropriety created by their 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.