



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Charesse Chester, Board Member
Northwest 7th Avenue Community Redevelopment Agency

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-04

DATE: January 18, 2022

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your limitations on doing business with the County through your privately owned company.

Facts:

You are a board member for the Northwest 7th Avenue Community Redevelopment Agency (CRA)¹. In 2004, the Board of County Commissioners adopted a redevelopment plan and created a trust fund for the creation of the CRA. The mission of the CRA includes the following: reposition Northwest 7th Avenue as a major regional employment center, support the growth and expansion of existing businesses in the CRA, support development of new business in the CRA, provide training and increased employment opportunities for residents of northwest Miami-Dade, and redevelop the 7th Avenue corridor, supporting a mix of business, residential and commercial opportunities within the CRA.

You own Creativision Media, Inc. (Creativision), a multilingual, creative, and community-focused public relations firm. Creativision works to impact the decision-making process in public and

¹ Pursuant to Section 2-1885 of the Miami-Dade County Code, board members of the Northwest 7th Avenue Community Redevelopment Agency are subject to the requirements and provisions of Section 2-11.1 of the Miami-Dade County Ethics Code.

private sector projects. Creativision provides services in the areas of media relations, event management, design, intergovernmental affairs and advocacy for small businesses.

You inquire whether any conflicts of interest exist in Creativision bidding in response to an Invitation to Quote (“ITQ”) from the Miami-Dade County Public Housing and Community Development (PHCD) due to your board membership with the CRA. Through the ITQ, PHCD is seeking the professional consulting services of an Event Planning Coordinator. You advise that the CRA does not oversee, regulate, administer, manage, set policy, or make quasi-judicial decisions regarding PCHD.

Discussion:

Sections 2-11.1(c) and (d) of the County Ethics Code address limitations and prohibitions on board members doing business with the County. Specifically, Section 2-11.1(c)(3) provides that a board member may enter into a contract, individually or through a firm, corporation, partnership or business entity in which the board member or his immediate family has a controlling financial interest, as long as the board member does not contract with a County department or agency which is subject of being regulated, overseen, managed, engaged in policy-setting or quasi-judicial authority of the member’s board/agency. *See* INQ 19-78.

Consequently, since the CRA is not involved with any aspect of the agreement between Creativision and PHCD, Creativision may enter into a contract with the PHCD to provide event planning services provided that you adhere to the following limitations found in the County Ethics Code²:

- Section 2-11.1(m)(2) prohibits a board member from appearing before the City board in which he or she serves, *either directly or through an associate*, and make a presentation on behalf of a third party. *See* RQO 07-39; INQ 17-254. This means you must not lobby or try to influence your board for the benefit of your company. *See* INQ 13-224. The Ethics Commission has interpreted these prohibited appearances to include signing proposals or submitting documents or correspondence on behalf of the third party. *See* INQ 09-33; INQ 11-178.
- Section 2-11.1(v)³ prohibits a board member from voting on any matter where the member will be directly affected by the vote and has a prohibited relationship (i.e., officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor) with any corporation, firm, entity or person appearing before the member’s board or committee. Consequently, as the owner of Creativision, a voting

² *See* RQO 18-03.

³ The COE has generally applied Section 2-11.1(v) to autonomous boards. *See* INQ 17-69.

conflict would occur if you were to participate or vote on a matter coming before the CRA concerning your business. See RQO 07-39; INQ 17-69.

- Section 2-11.1(m)(2) prohibits a board member from receiving compensation, *directly or indirectly or in any form*, for any services rendered to the third party seeking a benefit from his or her board. See RQO 07-12; INQ 15-229; INQ 19-12.
- Section 2-11.1(n) prohibits a board member from participating in any official action, as a member of the CRA, directly or indirectly, affecting a business in which you or a member of your immediate family has a financial interest. See INQ 19-78.
- Section 2-11.1(o) prohibits you from acquiring a financial interest in a project, business entity or property at a time when you believe or have reason to believe that said financial interest will be directly affected by your official actions or the official actions of the CRA. See INQ 19-78.
- Section 2-11.1(g) prohibits a board member from using his or her official position to secure special benefits, privileges or exemptions for herself or others. In other words, while a board member may share his or her knowledge and expertise in related matters, said board member may not use his or her service on the Board to proffer or promote the use or sale of the board member's company or products. See INQ 21-121.

Conclusion:

Consequently, while you currently have no conflicts interest that would preclude you from submitting a bid in response to an ITQ for PHCD, you must adhere to the limitations provided above to avoid potential conflicts of interest. You may encounter future conflicts if, for example, you receive a financial benefit or respond to a bid on a project resulting from recommendations made by your board/CRA. See INQ 13-117; INQ 19-78. Should that be the case, please to seek further opinion from the Commission on Ethics.

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.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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.