



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Pasco “Pat” Santangelo
Vice-President, Public Relations
Little Haiti FC, Inc.

FROM: Nolen Andrew Bunker, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-05, Section 2-11.1(c), Limitations on Contracting with the County.

DATE: January 19, 2022

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest concerning Little Haiti FC, Inc.’s proposed contract with the City of Miami for the use of Little Haiti Soccer Park.

Facts

An inquiry has been submitted concerning whether a conflict of interest exists concerning Little Haiti FC, Inc.’s (“LHFC”) proposed contract with the City of Miami for the use of Little Haiti Soccer Park for its activities because LHFC’s Vice President for Public Relations is a member of the Bayfront Park Management Trust (“the Trust”).

LHFC is a Florida not-for-profit corporation that was created in 2015 to provide free traveling soccer teams for children aged five (5) to eighteen (18). Mr. Pasco “Pat” Santangelo helped to found the non-profit and is the organization’s Vice President for Public Relations, per its most recent Annual Report filed with the Florida Division of Corporations.

The Trust is a limited agency and instrumentality of the City of Miami. *See* Code of City of Miami § 38-101. The purpose and powers of the Trust are limited to the operation, management, and maintenance of the city-owned property known as Bayfront Park. *See* Code of City of Miami §§ 38-102 & 38-104.

In contrast to the Trust, the majority of City-owned parks are operated, managed, and maintained by the City of Miami Department of Parks and Recreation (“Miami Parks & Rec”). *See* Code of

City of Miami § 2-438. Miami Parks & Rec is also empowered to regulate and license the use of city parks for playing soccer. *See* Code of City of Miami § 38-74. Additionally, a separate municipal entity created by the City of Miami, known as the Little Haiti Revitalization Trust¹ has some jurisdiction over Little Haiti Soccer Park. *See* Code of City of Miami § 12.5-41.

Issue

Whether there is any prohibited conflict of interest concerning Little Haiti FC's proposed contract with the City of Miami for use of Little Haiti Park based on the service of one of its corporate officers as a member of the Bayfront Park Management Trust.

Analysis

The Miami-Dade County Conflict of Interest and Code of Ethics ("County Ethics Code") Section 2-11.1(c)(1) provides that autonomous personnel, including members of municipal semi-autonomous authorities, boards, and agencies, shall not enter into any contract or otherwise transact any business with the County, "except as provided in subsections (c)(2) through (c)(6)." *See also* County Ethics Code § 2-11.1(a), (b)(2). County Ethics Code Section 2-11.1(c)(3) prohibits a municipal board member from entering a contract with the municipality only if the board on which he or she serves would oversee that contract.

Similarly, the Code of the City of Miami Section 2-612(a) provides that:

No [covered]² person . . . shall enter into any contract or transact any business with the city or any person or agency acting for the city, or shall appear in representation of any third party before any board, commission or agency of which such person is a member.

While this provision of the Code of the City of Miami prohibits municipal board members from contracting with the City, it does not prohibit a not-for-profit entity affiliated with a member of a municipal board from contracting, or otherwise transacting business, with the City. *See* INQ 19-54.

Based on the information provided to us at this time, it appears to be unlikely that a prohibited conflict of interest in the County Ethics Code arises from Mr. Santangelo's service as a member of the Trust. While Mr. Santangelo is a member of a municipal semi-autonomous entity – the Trust, LHFC is not seeking to contract with the City for the use of Bayfront Park. Rather, LHFC is seeking to contract for the use of Little Haiti Soccer Park, over which the Trust has no jurisdiction

¹ Mr. Santangelo has no involvement with the Little Haiti Revitalization Trust.

² "This article shall be applicable to and binding upon every officer, official and employee of the city, including every member of any board, commission or agency of the city." Code of City of Miami § 2-611.

or authority; as such, there is no indication that the Trust would have occasion to consider LHFC's contract with the City.

Similarly, it appears that no prohibited conflict of interest arises out of the City of Miami's Conflict of Interest Ordinance because it is not Mr. Santangelo himself who will be contracting with the City. Rather, LHFC is the entity seeking to contract with the City for the use of Little Haiti Soccer Park. While Mr. Santangelo is affiliated with LHFC as one of its corporate officers, the City of Miami's Conflict of Interest Ordinance does not prohibit such a transaction. *See* Code of City of Miami § 2-612(a); INQ 19-54. Additionally, there is no indication that Mr. Santangelo would have any reason or occasion to appear before the Trust on behalf of LHFC in relation to this, or any other, matter.³

Opinion

Accordingly, based on the facts presented here and discussed above, Mr. Santangelo's service on the Bayfront Park Management Trust does not give rise to a prohibited conflict of interest in relation to Little Haiti FC, Inc.'s contract with the City for the use of Little Haiti Soccer Park.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

Other conflicts may apply under state law. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

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 Commission on Ethics 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.

³ A prohibited conflict of interest would arise if Mr. Santangelo were to appear before the Trust on behalf of LHFC. *See* Code of the City of Miami § 2-612(a). Mr. Santangelo will also be required to recuse himself from any matter that may come before the Trust involving LHFC. *See* RQO 06-52; INQ 19-12.