

TO: Carol Aubrun, Assistant Village Manager, Village of El Portal
(305) 795-7873, cmaubrun@hotmail.com
FROM: Victoria Frigo, Staff Attorney, Miami-Dade Co. Commission on Ethics
(305) 350-0601; frigov@miamidade.gov
RE: INQ 07-31
Divided Loyalties and Conflicting Employment; §§ 2-11.1 (g) and (j)
DATE: Feb. 28, 2007

Dear Ms. Aubrun,

In our telephone conversation today, you clarified that you are employed by the Village of El Portal as a Assistant City Manager. Your duties include—

- identifying grant funding and writing and submitting grant proposals on behalf of the Village
- identifying losses the Village has incurred as a result of recent hurricanes and submitting invoices to FEMA to recover from these losses.

In a volunteer capacity, you also serve on the North Dade Health Center Advisory Board, which is associated with Jackson Memorial Health Systems.

You ask the following:

1. May you identify and write grants for Jackson Memorial Hospital?
2. May you offer to other municipalities your skills as a recovery expert (*i.e.*, identifying losses and obtaining recovery from FEMA's hurricane funds)?

In general, your ability to volunteer or contract with other entities will depend on the following:

First. If you determine that other entities as well as the Village are eligible for the same limited pool of resources, your primary responsibilities are to secure these funds for your Village employer. You may not offer your services to others who may be competing with the Village for the same funds.

You said that Jackson Health Systems would be eligible for the same health foundation grant you are currently seeking on behalf of the Village. In this situation, you may provide general information about the availability of the grant at a board meeting. But because you determined that the Village was eligible for the grant, your undivided responsibility is to obtain this grant for your Village employer. In this case, you should not be involved in grant writing for the advisory board.

Similarly, if FEMA's hurricane relief fund is a limited resource and all municipalities are equally eligible, you should not compete against the Village of El Portal to recover from this limited resource on behalf of other municipalities.

Second. If you determine that the Village is not eligible for a particular grant or FEMA funds, you are free to offer your services to your advisory board or other entities that may be eligible for the funds.

Third. If it is unclear whether the Village and other entities would be competing for the same funds, you should use caution to avoid competing against the best interests of the Village.

To summarize, your primary responsibilities are to the Village of El Portal. You should not offer your services as a grant writer or recovery expert to other entities if your loyalties to the Village would be compromised. Section 2-11.1 (g) of the Ethics Code prohibits a public employee from securing special privileges for herself or others as a result of her official position. Section 2-11.1 (j) cautions government employees to avoid conflicting employment that would compromise one's independence of judgment.

Please feel free to contact me if I can be of further assistance.

Frigo, Victoria (COE)

WR 07-31

From: CAROL-MINOSHKA AUBRUN [cmaubrun@hotmail.com] (305) 795-7873
Sent: Tuesday, February 27, 2007 11:11 PM
To: Frigo, Victoria (COE)
Subject: RE: Clarifying your inquiry

I will call you in the morning, before I head downtown for meetings. You can also call me at 305-795-7880

From: "Frigo, Victoria (COE)" <FRIGOV@miamidade.gov>
To: <cmaubrun@hotmail.com>
Subject: Clarifying your inquiry
Date: Tue, 27 Feb 2007 10:46:03 -0500

Dear Ms. Aubrun,

I have received your email regarding the work you do for the Village of El Portal and a Jackson Health System advisory board and work you're contemplating to do for other municipalities. In order to resolve your questions, I would appreciate discussing these matters with you in greater detail.

In particular, I am unclear about the nature of the grants you are currently writing and those you would like to write for Jackson. Also, could you describe what the terms "clean up" and "reconciliations" with FEMA mean?

Feel free to email or phone at your convenience.

Sincerely,

Victoria Frigo
 Staff Attorney
 Miami-Dade Co. Commission on Ethics
 Direct phone: (305) 350-0601
 Fax: (305) 579-0273

www.miamidade.gov/ethics

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From: CAROL-MINOSHKA AUBRUN [mailto:cmaubrun@hotmail.com]
Sent: Friday, February 23, 2007 9:16 PM
To: Ethics (COE)
Subject: Opinion

I work for a municipality (the Village of El Portal) and I also sit on one of the Jackson Health System advisory boards (North Dade Health Center). At work, I identify and write grants. Can I also do the same for the advisory board?

At work, I have done some clean-up and reconciliations with FEMA for Hurricanes Katrina and Wilma. Can I also do the same for other municipalities? Can this be considered good faith?

2/28/2007

Carol Aubrun

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