



INQ 07-93

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

June 14, 2007

Ms. Cheree L. Gulley, Chief of Staff
Miami-Dade County Commissioner Audrey M. Edmonson
111 N.W. 1st Street
Miami, FL 33128

Dear Ms. Gulley:

Thank you for your letter dated June 12, 2007 and I want to provide you with a prompt response. You state in your letter that you serve on the Board of Directors as Treasurer for the Miami-Dade Affordable Housing Foundation, Inc, a non-profit organization that currently has no active contracts with Miami-Dade County. You indicate that the Foundation may seek County funding in the future, and if such funding from the County were sought, whether a conflict of interest would be created given your position with the County as Chief of Staff to County Commissioner Edmonson and your position with the Foundation. As you point out in your letter, the County Commission is the authority responsible for approving grants and contracts with non-profit agencies.

Consistent with opinions we have issued in similar cases, there is no conflict per se if you continue to serve on the non-profit board applying for county funding and simultaneously serve as Chief of Staff to Commissioner Edmonson. However, there are a few caveats to bring to your attention. If the Foundation decided to apply for County funds and a presentation was necessary prior to the award, you could not be the presenter on behalf of the Foundation. Assuming the funds were awarded any issues dealing with the administration of the contract could not be handled by you as a member of the Foundation board. I would recommend Foundation staff or other board members interact with the County with respect to these matters.

Another concern, of course, relates to your position with Commissioner Edmonson. If your duties include advising Commissioner Edmonson relative to policy matters and funding recommendations, you could not offer an opinion/recommendation with respect to an application from the Foundation.

In conclusion, I find no legal conflict under the county's Conflict of Interest and Code of Ethics Ordinance that prohibits you from sitting on a board of directors of an agency applying for County funds and working as the Chief of Staff for a County Commissioner. Knowing how committed Commissioner Edmonson is to solving the housing crisis in Miami-Dade County, I am concerned about the appearance that is created if the committee that she chairs and the County Commission as a whole recommends funding to an agency that has her one of her staffers as a

director. I understand you are a non-compensated director and also realize that you will reap no financial gain from any grant or contract, but I do have some misgivings if the Foundation goes forward with a request for county funding as long as you remain on the Board of Directors.

Finally, in addition to my opinion, you may want to ask the U.S. Department of Housing and Urban Development (HUD) for a conflict of interest opinion as well. HUD has extremely strict conflict of interest standards and you want to be certain that any award would not violate HUD regulations.

If you wish to discuss the above, do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Meyers", written in dark ink.

Robert Meyers
Executive Director

June 12, 2007

Mr. Robert Meyers
Executive Director
Commission on Ethics & Public Trust
19 West Flagler Street, Suite 820
Miami, FL 33130

Dear Mr. Meyers:

I serve on the Board of Directors and am the Treasurer for the Miami-Dade Affordable Housing Foundation, Inc. – a non-profit housing counseling and financing agency. Previously this non-profit organization held County contracts – although to my knowledge, they do not currently have any active contracts with the County. Yet, it is possible that the Foundation may apply for or be granted County contracts in the future.

My current employment is as Chief of Staff for County Commissioner Audrey M. Edmonson; who will, as a County Commissioner, ultimately vote on the award of most County contracts. Thus, I am requesting an opinion as to whether I am required to resign from membership on the Miami-Dade Affordable Housing Foundation, Inc's Board of Directors or can I retain membership and simply recuse myself from any items that involve county-related matters.

Sincerely,



Cheree L. Gulley
Chief of Staff for
Miami-Dade County Commissioner Audrey M. Edmonson

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OFFICE OF THE COUNTY CLERK
MIAMI-DADE COUNTY