

**Meyers, Robert (COE)**

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INQ 08-21

**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, February 19, 2008 10:58 AM  
**To:** 'Jose Fabregas'  
**Cc:** Prats, John (CED) (786) 469-2202  
**Subject:** RE: Request for an Opinion

Dear Mr. Fabregas:

I have had the opportunity to review your request for opinion and it is my position that the Miami-Dade Commission on Ethics and Public Trust has no legal authority to issue an opinion on this matter. The Ethics Commission has jurisdiction over local government officials (elected and appointed) and local government employees. When you served as the chairperson of the Surtax Advisory Board, you fell within the Ethics Commission's purview. However, the county's Conflict of Interest and Code of Ethics Ordinance does not extend to the employees of Palermo Lakes (your current employer) or your previous employer, Greater Miami Neighborhoods.

It might be beneficial to you to seek a legal opinion from US HUD, as the department may have regulations that address the situation that prompted you to seek an opinion from our office. Absent that, you may want to consult with County Attorney's Office and ask for the County Attorney's input.

If you have any questions concerning the above, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

-----Original Message-----

**From:** Jose Fabregas [mailto:josef@greatermiami.org]  
**Sent:** Thursday, February 14, 2008 2:14 PM  
**To:** Meyers, Robert (COE)  
**Cc:** Prats, John (CED) (786) 469-2202  
**Subject:** Request for an Opinion

Dear Mr. Meyers: On July 2007 Grater Miami Neighborhoods a not for profit community development corporation had to let me go do to financial difficulties. GMN had sponsor an application to US HUD to build a 110 unit project for senior citizens under the Section 202 program. US HUD awarded funds as well as Miami Dade Co. and The City of Miami. As a HUD requirement of the program a Single Asset Corporation named Palermo Lakes was created to own the land and the project and HUD MDC and the City have issued their contracts in the name of Palermo Lakes. I signed contract with Palermo Lakes Inc. on 7-1-07 as their consultant (and only employee) with the title of Special Inspector to actually develop the project. ON Aug. 29 I wrote you for an opinion since I was the Chairperson of the Surtax Advisory Board. As the result of your opinion I submitted my resignation (see attached). The project is now 48% finished and we have used the HUD funds. Last month Greater Miami Neighborhoods filed Chapter 11 leaving various debts to Dade Co.

As the office of Community Development has processed and approve the Draw Request The Department of Finance is questioning the ethics of my employment with Palermo Lakes and have held payment just because I used to work at GMN and had a of Senior VP of Elderly Development and Services title without being an officer of the corporation. I think I am being pronounced guilty by association. Please Mr. Meyer could you give your opinion and copy Mr. Pratts. If you have any questions please call me at 786-216-9231 -----Original Message-----

**From:** Info@greatermiami.org [mailto:Info@greatermiami.org]  
**Sent:** Thursday, February 14, 2008 1:07 PM

To: Jose Fabregas  
Subject: Information

Please open the attached document.  
This document was sent to you using an HP Digital Sender.

Digital Sender Model: HP 9100C  
Digital Sender Name: 208.229.123.15  
Document type: B/W Document  
Number of pages: 4  
Sent by: <Info@greatermiami.org>  
Attachment File Format: Adobe PDF

To view this document you need to use the Adobe Acrobat Reader.  
For more information on the HP Digital Sender, Adobe Circulate,  
or a free copy of the Acrobat reader please visit:

<http://www.digitalsender.hp.com/reader-en>



July 2 2007

Jose Fabregas  
Senior Vice-president  
Elderly development & Services

Change in Operations at GMN:

Dear Jose: Due to the current Cash Flow situation GMN is under, it can no longer afford to maintain your position and salary .  
July 14<sup>th</sup> will be your last pay period and Aurora will prepare your COBRA Package  
If you find a way to continue working on the Palermo Lakes closing with US HUD as Consultant for the owner corporation the Board would entertain signing an agreement with you , as long as funds are identified.  
We wish you always the best.

  
Agustín Domínguez  
Executive Director

**Form W-2 Wage and Tax Statement 2007**

a Control number 0440-M513 001044-000100		Void	c Employer's name, address, and ZIP code GREATER MIAMI NEIGHBORHOODS IN 300 NW 12 AVE MIAMI FL 33128		Department of the Treasury - Internal Revenue Service OMB No. 1545-0008	
b Employer's identification number 59-2544297		d Employee's social security number		1 Wages, tips, other compensation 50658.27	2 Federal income tax withheld 8859.40	
13 Statutory employee	Retirement plan	Third-party sick pay		3 Social security wages 50658.27	4 Social security tax withheld 3140.82	
12 See Instrs. for Box 12		14 Other		e Employee's name, address, and ZIP code JOSE FABREGAS 6831 SW 92 COURT MIAMI FL 33173	5 Medicare wages and tips 50658.27	6 Medicare tax withheld 734.57
15 State Employer's state ID No.		16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name

This information is being furnished to the Internal Revenue Service

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**From:** Jose Fabregas  
**Sent:** Wednesday, August 29, 2007 12:56 PM  
**To:** Jose Fabregas  
**Subject:** FW: Ethics opinion

-----Original Message-----

**From:** Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]  
**Sent:** Friday, August 03, 2007 2:41 PM  
**To:** Jose Fabregas  
**Subject:** Ethics opinion

Dear Mr. Fabregas:

I received your request for opinion the other day. You actually e-mailed the request to David Meyers, another County employee, and he forwarded it to me. In any event, I understand that you are the chairperson of the Affordable Housing Advisory Board (AHAB) and you have started a consulting firm to deal with Workforce Housing, which means you are considering doing business with other developers who apparently will be seeking funding from AHAB. Clearly, any appearance by you in front of AHAB for purposes of securing funds as a consultant creates a conflict of interest. The only way to cure this conflict is to resign from the Board. Similarly, if you were to partner with others who appear before AHAB, you would have a conflict of interest as well. Therefore, I see resignation from the Board as your only viable option. If you decide not to seek County funding, either directly or indirectly, you could conceivably remain on the Affordable Housing Advisory Board. However, under the circumstances you have described in your e-mail, your private business interests seem to be in direct conflict with your board service.

If you have any questions concerning the above, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

2/13/2008

**Jose Fabregas**

August 29, 2007

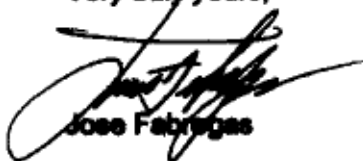
The Honorable Members and Staff  
Miami-Dade Housing Agency  
Affordable Housing Advisory Board

Dear Board Members and Staff:

By the present, I am submitting my resignation from the Board as Chairperson and member since I will be establishing my own consulting firm to offer my expertise to clients in the affordable and workforce housing field. I believe that my tenure on the board as I start venturing with developers who might have come in front of the board seeking funding would constitute a conflict of interest. It is therefore that I am taking this decision.

As one of the members that have seen through the years the overwhelming amount of people we have served. I bid to you and staff farewell and keep up the excellent job you have done.

Very truly yours,



Jose Fabregas