

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Wednesday, February 25, 2009 11:02 AM
To: Tooley, Vaughn E. (Advocacy)
Subject: RE: Request for Ethics Opinions

Dear Mr. Tooley:

Thank you for your requests. With respect to question #1, you ask whether a conflict exists for a board member of the Domestic Violence Oversight Board (DVOB) if DVOB does business with a development group of which a Board member's nephew is the president and the Board member is a former associate of this group. A conflict of interest is not created if the nephew's group were to transact business with DVOB due to the fact the ethics code only prohibits immediate family members from doing business with their boards and a nephew is not considered immediate family under the ethics code. Similarly, the board member has no conflict of interest as a former associate of the group. A conflict of interest would occur only if the board member had a current, ongoing relationship with the group seeking to do business with DVOB. Therefore, the law permits this board member to participate in and vote on any matters pertaining to this transaction. From a perception standpoint, I am not sure that I would reach the same conclusion, but the Ethics Commission is not empowered to give opinions based on appearances. In a case such as this, we leave it up to the board member to determine what course of action is appropriate under the circumstances. As long as all the relevant facts have been disclosed, there does not appear to be anything else the board member must do to comply with the law.

Concerning question #2, you advise that the Director of OCED sits on the Domestic Oversight Oversight Board and the Board is considering purchasing a building which is partially funded with surtax funds administered by OCED. You wish to know whether the OCED Director would have conflicts if DVOB decided to do business with the development group where surtax dollars are partially funding the project. In order to establish a conflict regarding the OCED Director, you would have to show that the employee would be directly affected by the vote, action or decision of DVOB to enter into an agreement with a group receiving some surtax funding. Assuming no such benefit exists, there is no conflict in this case, either. The fact that OCED administers the surtax program does not by itself create a conflict for the OCED Director. Thus, the Director may participate in matters involving this transaction as a DVOB member.

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

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Tooley, Vaughn E. (Advocacy)
Sent: Monday, February 23, 2009 3:57 PM
To: Meyers, Robert (COE)
Cc: Capp, Larry Dr. (Advocacy)
Subject: Request for Ethics Opinions

Request for Opinions

Case 1: We are requesting an opinion in a case that involves the Domestic Violence Oversight Board (DVOB) potentially doing business with a development group of which a Board member's nephew is the president. In addition, the Board member is a former associate of the development group. If the Board proceeds to develop a contractual relationship with the development group to purchase a building, would this constitute a conflict of interest for the Board or the Board member, or

2/25/2009

violate the Code of Ethics Ordinance? If this poses a conflict, how can it best be resolved?

Case 2: In the case described above, the building that we are considering purchasing is partially funded with surtax funds administered by the County's Office of Community and Economic Development (OCED). The newly appointed Director of OCED is also a member of the Domestic Violence Oversight Board. Would participation/voting by the OCED Director be a conflict of interest or violate the Code of Ethics Ordinance if the DVOB proceeds to do business with the development group in the proposed project? If this poses a conflict, how can it best be resolved?

We greatly appreciate your assistance in resolving these questions.

Vaughn Tooley, Director
Domestic Violence Oversight Board
Office of Community Advocacy
Miami-Dade County - SPCC
111 NW First Street, Suite #620
Miami, Florida 33128-1994
Ph: 305-375-2861 FAX: 305-375-5715
Y1116@miamidade.gov

www.miamidade.gov

"Delivering Excellence Every Day"

SUNSHINE LAW AND PUBLIC RECORDS CAUTION: 1) The Florida Government in the Sunshine Law prohibits discussion outside of duly noticed meeting halls by one or more of the Domestic Violence Oversight Board members regarding any matter that may come before the Domestic Violence Oversight Board. This prohibition extends to discussions via e-mail. 2) Furthermore, most e-mail communications made or received by the Domestic Violence Oversight Board members in staff are considered public records that must be retained and, upon request, made available to the public and media.

2/25/2009