

**Meyers, Robert (COE)**

INQ 09-99

**From:** Meyers, Robert (COE)  
**Sent:** Friday, June 19, 2009 9:20 AM  
**To:** 'Charles Auslander'  
**Cc:** Arista-Volsky, Maria (CAO)  
**Subject:** RE: [Fwd: RE: FW: The Belafonte TACOLCY Site Visit]

Charles:

Thank you for your question. In reviewing the facts presented below, I have reached the conclusion that our office has no legal authority to issue an opinion. In effect, your question requires an interpretation of the Sunshine Law -- a state statute which the Miami-Dade Commission on Ethics and Public Trust neither interprets nor enforces. You can, however, contact Joe Centorino with the State Attorney's Office and he might be willing to offer some guidance.

Sorry I can't be more helpful.

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

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

**From:** Charles Auslander [mailto:charles.auslander@thechildrenstrust.org]  
**Sent:** Thursday, June 18, 2009 11:44 AM  
**To:** Meyers, Robert (COE)  
**Cc:** Modesto Abety; Arista-Volsky, Maria (CAO)  
**Subject:** [Fwd: RE: FW: The Belafonte TACOLCY Site Visit]  
**Importance:** High

Dear Robert:

I have been asked by The Children's Trust board chair Maria Alonso and by our assistant county attorney, Maria Arista-Volsky, through President/CEO Modesto Abety, to ask for an opinion from your office concerning an event proposed by a contracted provider of The Children's Trust on June 23, 2009. We were just notified of the event recently. Because it is set for June 24 and June 25, I apologize for having to seek an expedited opinion from you and for the informality of this request given time constraints.

In short, Belafonte Tacolcy (BT) is a provider currently under contract with The Children's Trust to provide after school and summer camp services. BT seeks continued funding from The Children's Trust for after school services -- there is an appeal pending from a recommendation not to fund after school services, under a competitive procurement. The program in question is funded, at least in significant part, by The Children's Trust, as per the provider's email to our Board members.

BT sent an email invitation to most board members (there have been some changes in membership so that not all current board members received the email), found below. The Trust seeks an opinion as to whether the request in question from BT comports with the Sunshine Law and any applicable conflict of interest and ethics policies, as well as any lobbying restrictions. The full emailing header and message from the provider are copied just below:

>  
> **From:** Stephanie Sylvestre [mailto:ssylvestre@tacolcy.org]  
> **Sent:** Friday, June 12, 2009 5:00 PM  
> **To:** Isabel.afanador@djj.state.fl.us; Yalaman@FR-Aleman.com; Maria Alonso; karena@utofd.com; bassh@gtlaw.com; Kingsley.Banya@fiu.edu; mbalsera@dadeschools.net; dbierman@bslcrimlaw.com; wilblechman@aol.com; corporateeagle\_co09@yahoo.com; superintendent'soffice@dadeschools.net; jacqui\_colyer@dcf.state.fl.us; Dr. Gina Cortes-Suarez; bdiggs@m-dcc.org;

Gazitua@miamidade.gov; nsgm\_la@aol.com; Ben\_Gilbert@fpl.com; mandyky@aol.com;  
charisse.grant@dadedcommunityfoundation.org;  
jgregoire@dadeschools.net; Bjordan@miamidade.gov; martinkarp@dadeschools.net;  
silvia@kidco-childcare.org; firevenger@aol.com; Rosa\_Martin2@doh.state.fl.us;  
yolly.roberson@myfloridahouse.gov; info@salver.com; jschaechter@miami.edu;  
etorres@elcmdm.org; davestorkwilliams1@netzero.com; chetzerlin@miamisao.com  
> Cc: mo@thechildrenstrust.org; Alison Austin  
> Subject: The Belafonte TACOLCY Site Visit  
>

> Greetings,  
> As a follow-up to my invitation at the Board of  
Director's meeting on June 8th. The staff and clients at the Belafonte TACOLCY Center  
would like to host you on Wednesday, June 24th and Thursday, June 25th from 8:30 am to  
9:30 am. During this time, you will get an opportunity to experience Harambee and see how  
the Children Trust dollars are working to develop the next generation of leaders.  
> Please RSVP to Stephanie Sylvestre at 305-479-4203 or  
ssylvestre@tacolcy.org<mailto:ssylvestre@tacolcy.org> which day you will join us. We  
kindly request an RSVP by Monday, June 22nd.

>  
> Thanks,  
>  
> Stephanie Sylvestre  
> Chief Operations Officer  
> The Belafonte TACOLCY Center  
> 6161 NW 9th Ave  
> Miami, FL 33127  
> ssylvestre@tacolcy.org<mailto:ssylvestre@tacolcy.org>  
> 305-479-4203  
>

> "Personally, I am always ready to learn, although I do not always like  
being taught."

> --Winston  
Churchill<[http://nobelprize.org/nobel\\_prizes/literature/laureates/1953/c  
hurchill-bio.html](http://nobelprize.org/nobel_prizes/literature/laureates/1953/c<br/>hurchill-bio.html)>, former British prime minister  
>  
>  
>

Thank you for your able assistance in and prompt attention to this matter.

Charles

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\*Charles M. Auslander\*

\*Chief Programs & Operations Officer\*

The Children's Trust

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Miami, Florida 33129

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Cell: 305-790-1685

Fax: 305-857-9034

Email: [charles@thechildrenstrust.org](mailto:charles@thechildrenstrust.org) <<mailto:charles@thechildrenstrust.org>>

Web: [www.thechildrenstrust.org](http://www.thechildrenstrust.org) <<http://www.thechildrenstrust.org>>

SUNSHINE LAW AND PUBLIC RECORDS CAUTION: 1) The Government in the Sunshine Law prohibits  
discussion outside a duly noticed meeting between any two or more Children's Trust Board  
members regarding any matter that may come before the Board. This prohibition extends to

discussions via e-mail. 2) Furthermore, all e-mail communications made or received by members of The Children's Trust Board or staff are considered public records that must be retained and, upon request, made available to the public and media.