

TO: File
FROM: Victoria Frigo
DATE: August 30, 2010
RE: INQ 10-158 Fortner

On August 12, 2010, Greg Fortner, MDPHA Director, ask if ethics conflicts prevented him from engaging in outside employment as a consult. He anticipated that his work would consist of helping private companies respond to offers to contract with local governments to operate Section 8 Programs in jurisdictions outside of Miami-Dade County.

Quadel currently holds the Section 8 contract in Miami-Dade County, and Quadel is likely to be a competitor of Mr. Fortner's future clients in other jurisdictions.

I advised Mr. Fortner that I saw two possible conflicts:

First, Mr. Fortner's job description *requires him to represent the MDHA in other jurisdictions* at conferences, meetings, etc. He could be subject to divided loyalties if he were also representing private clients in other jurisdictions.

Second, Mr. Fortner could create an appearance of divided loyalties when he *evaluates Quadel's* work and makes recommendations for Quadel's contract renewal. The Quadel contract specifically prohibits the director from having a relationship—
...occurring outside the work setting, that would make it difficult for the individual with the responsibility to make a decision or recommendation to be objective. Examples include, but are not limited to, personal relationships and *significant business relationships*. (Emphasis added.)¹

Mr. Fortner said that he didn't believe his speaking engagement outside the jurisdiction would cause conflicts, and he could cure the second conflict by disclosing to Quadel that he was contracting with competitive companies in other jurisdictions.

Because Mr. Fortner's question presented a close call, I suggested that he bring his inquiry to the Ethics Commission. Instead, Mr. Fortner decided not to engage in outside employment as a consultant.

¹ Contract No. 648, Art. 46 (a)(3).