

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, April 05, 2010 10:33 AM
To: allanjhall@aol.com
Cc: Bosano, Monica; 'Tazoe, Roberto'
Subject: REVISED Ethics Opinion INQ 10-64 Allan Hall

Mr. Hall,

This revised ethics opinion is in response to your email of March 17, 2010, in which you asked if the County Ethics Code prevented you from being appointed to the City of Miami's Department of Community Development (DCD) Housing and Commercial Loan Committee while simultaneously serving as a non-compensated member of the Board of Directors of the nonprofit Miami Beach Community Development Corporation.

The Housing and Commercial Loan Committee was created by City Ordinance No. 08-00978 as an advisory board to the DCD. The Committee has the authority to approve or disapprove loan applications for funding of affordable housing projects, commercial projects, and related transactions.

The Miami Beach Community Development Corporation is a nonprofit entity that aims to revitalize distressed neighborhoods, increase economic opportunity, and rehabilitate affordable housing in Miami Beach. The Corporation has received funding through various public and private sources, including the Miami DCD.

The County Ethics Code does not prevent you from serving simultaneously on both entities. Additionally, as a member of the Housing and Commercial Loan Committee, you may vote on matters related to the Miami Beach Community Development Corporation **as long as you will not be directly affected by the action.**

The Miami-Dade County at Sec. 2-11.1 (v) states that advisory board members may not vote on any matter presented to the board if—

- * the board member will be **directly affected** by the action of the board on which the member serves,
and
- * the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) *officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary*; or (ii) *stockholder, bondholder, debtor or creditor.*

Because your relationship as a member of the Board of Directors with the Miami Beach Community Development Corporation may raise questions about an appearance of impropriety, you may wish to clarify publicly, prior to voting on matters affecting the Corporation, that you serve the Corporation as a non-compensated Board of Director member and hold no financial interests in the nonprofit entity. As a member of the Board of Directors, you may vote on matters dealing with the Corporation **unless you would be directly affected by the action.**

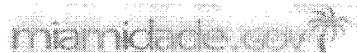
Please be aware that if a voting conflict arises, recusal requires that you leave the meeting during the discussion of the matter and you do not vote and do not participate in any way in the matter.

If you have questions regarding specific voting matters in the future, please feel free to contact me.

Sincerely,

Victoria Frigo, Staff Attorney

Miami-Dade County Commission on Ethics
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From: Tazoe, Roberto [mailto:RTazoe@miamigov.com]
Sent: Friday, April 02, 2010 2:02 PM
To: Frigo, Victoria (COE)
Cc: Bosano, Monica; allanjhall@aol.com
Subject: RE: Ethics Opinion INQ 10-64 Allan Hall

Ms. Frigo,

The Housing and Commercial Loan Committee (HCLC) Mr. Hall is applying to is NOT an advisory board to the Downtown Development Authority. This a board of the City of Miami Department of Community Development. Currently we fund the agency Mr. Hall is a board member (Miami Beach CDC), but this funding allocation did not take place through this board, but rather it is presented at City Commission for approve. The City has funded housing rehabilitation projects for them in the past and we may need to do so in the future. In addition, your email mentions that Mr. Hall is the Director of Miami Beach CDC, which is not true. He is a member of Miami Beach CDC's board. I do not know if any of these clarifications affect your previous interpretation, but please do confirm with us whether a conflict of interest exists.

Thank you

Roberto Tazoe, Assistant Director
Department of Community Development