

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, November 15, 2011 3:26 PM
To: Boone, Retha (Advocacy)
Cc: Centorino, Joseph (COE); Thompson, Robert A. (COE)
Subject: RE: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE (INQ 11-174)

Ms. Boone,

On behalf of Mr. D.J. Fabien, you asked if the County Ethics Code prohibits Mr. Fabien from serving as a member of the Black Affairs Advisory Board (BAAB) and simultaneously serving as the Executive Director of the non-profit Haitian American Emergency Relief Committee (HAERC). We understand that the nonprofit HAERC would like to collaborate on various projects with the County BAAB.

Potential conflicts may occur under the facts you've described. Although not all-encompassing, the following sections of the Ethics Code may be particularly troublesome to Mr. Fabien as a member of the BAAB:

- Sec. 2-11.1 (g) prohibits Mr. Fabien from using his official position on the BAAB to obtain special benefits for himself or the HAERC.
- Sec. 2-11.1 (m) prohibits Mr. Fabien or his associates from appearing before the BAAB on behalf of the HAERC.
- Sec. 2-11.1 (n) prohibits Mr. Fabien from taking official actions on the BAAB when financial interests are involved. Depending on the circumstances, this prohibition might affect joint funding projects that involve the BAAB and HAERC.
- Sec. 2-11.1 (v) prohibits Mr. Fabien from voting on any matters presented to the BAAB that relate to the HAERC if Mr. Fabien is employed as Executive Director of the HAERC and would be directly affected by the vote.

Other sections of the County Ethics Code may also apply.

In addition, I call your attention to an ethics complaint filed against former County Commissioner Dorrin Rolle. In his capacity as a County Commissioner, Mr. Rolle improperly sought funding from the County on behalf of the nonprofit organization JESCA when, at the same time, he headed JESCA as Executive Director. These actions resulted in former Commissioner Rolle being fined \$1,750. *See* County Ethics Commission Case # C 10-14.

Based on the above, Mr. Fabien may find it difficult to avoid frequently recurring conflicts caused by his simultaneous service to a nonprofit entity and the public duties he owes to the County board.

If you or Mr. Fabien have additional questions, please feel free to contact our office.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

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19 West Flagler St., Suite 820
Miami, FL 33130

From: Boone, Retha (Advocacy)
Sent: Monday, November 14, 2011 4:32 PM
To: Thompson, Robert A. (COE)
Subject: FW: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE

Mr. Thompson:

Please see the request and response below. I'd appreciate your assistance.

Retha Boone-Fye

From: Resnik, Estephanie (CAO)
Sent: Monday, November 14, 2011 3:56 PM
To: Boone, Retha (Advocacy)
Cc: 'Mr. D.J. Fabien-District 11'; Diaz, Rene (Advocacy)
Subject: RE: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE

Good Afternoon Ms. Boone,

Thank you for clarifying the question and for working to avoid any conflicts of interest.

The Board should please forward the question to the Miami-Dade Ethics Commission, which opines on conflict of interest issues.

Here is a link to the Ethics Commission's website and contact information:

<http://www.miamidadeethics.com/LefthandBarMainPages/ContactUs.html>

Thank you,

Estephanie

Estephanie Resnik
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From: Boone, Retha (Advocacy)
Sent: Monday, November 14, 2011 3:16 PM
To: Resnik, Estephanie (CAO)
Cc: 'Mr. D.J. Fabien-District 11'; Diaz, Rene (Advocacy)
Subject: RE: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE

Good afternon Ms. Resnik:

I spoke to Mr. Fabien and his question is "Would it be considered a conflict of interest if a Black Affairs Advisory Board member who was appointed by a Commissioner continues to serve in that capacity while also serving as Executive Director of the non-profit Haitian American Emergency Relief Committee?" Mr. Fabien has served on the BAAB for more than eight (8) years and was part of the organizing board of the HAERC, Inc. which originally was a sub-committee of the BAAB. The HAERC subsequently obtained 501c3 status and he was appointed Executive Director.

He would like to continue to serve on the Black Affairs Advisory Board and would like to have the HAERC break away (formally) from the BAAB and collaborate on various projects.

I hope that I've made myself clear (at last hopefully) so that we can move forward. The BAAB has voted in support of this measure.

Retha Boone

From: Resnik, Estephanie (CAO)
Sent: Wednesday, November 02, 2011 2:20 PM
To: Boone, Retha (Advocacy)
Cc: Diaz, Rene (Advocacy); 'Mr. D.J. Fabien-District 11'; Priscilla Dames; Johnson-Stacks, Cynthia (CAO)
Subject: RE: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE

Good afternoon Ms. Boone,

If my understanding of the email below is correct, then there are group of individuals who serve on a County advisory board who recently formed an independent 501(c)(3), would like to resign from the County advisory board, and would like to continue to collaborate with the County advisory board?

If a group of individuals form a 501(c)(3) independently and in their individual capacities, then that entity should be considered an entity independent of the County.

Individuals can resign from County boards or subcommittees. The administration would have any appropriate paperwork.

Regarding collaboration with the County advisory board: Individuals are welcome to attend sunshine meetings. If a contract were to be entered into between the 501(c)(3) and the County, then that contract would require approval by the Board of County Commissioners and execution by the Mayor's Office. If the members are concerned about a conflict of interest, the Miami-Dade County Ethics Commission provides guidance on conflict of interest issues. Legal issues may arise on a case-by-case basis, depending on the particular situation and intended objectives.

Please advise if I may be of further assistance. I hope this email was helpful.

Thank you,

Estephanie

Estephanie Resnik
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From: Boone, Retha (Advocacy)
Sent: Wednesday, November 02, 2011 1:55 PM
To: Resnik, Estephanie (CAO)
Cc: Diaz, Rene (Advocacy); 'Mr. D.J. Fabien-District 11'; Priscilla Dames
Subject: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE

Good afternoon Ms. Resnik:

The above named committee is a sub-committee of the Black Affairs Advisory Board which as of 2010 obtained its 501c3 status.

They would like to become a separate entity, but still collaborate with the BAAB.

What is the proper procedure to attain this status? Should they submit formal paperwork, etc.

Your assistance would be greatly appreciated.

Retha Boone