

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, February 07, 2011 2:15 PM
To: Capp, Larry Dr. (MDCR)
Subject: Request for Opinion (INQ 11-18)
Attachments: Miami Lobbyist Ordinance.pdf

Dear Dr. Capp:

Robert Meyers asked me to research your question and respond as to whether any ethics conflicts are created by your voluntary, non-compensated service as a board member with Mount Zion Developments, Inc., (MTZD), a nonprofit entity with matters before the City of Miami.

You stated that MTZD has been approved for an affordable homeownership loan. We understand that these types of loans are administered by the City of Miami's Department of Community Development. MTZD has also applied for a grant from the Southeast Overtown Park West Community Redevelopment Agency (SEOPW).

RE: Appearances before the City of Miami

We advise you to register as a lobbyist if you appear before the City of Miami Commissioners and City employees when they are acting in their official capacity as City of Miami officers and employees. This would include appearances before the City of Miami's Department of Community Development.

The City of Miami's lobbyist ordinance requires individuals who represent community organizations as volunteers without compensation to register as lobbyists with the City. However, volunteers are exempt from paying the lobbyist registration fee and are not required to take the lobbyist training course. See Miami Code at Sec. 2-654 (h)(2), attached.

RE: Appearances before the SEOPW CRA

You are not lobbying the City *per se* when you appear before City Commissioners and staff who are acting as members of the SEOPW CRA. The CRA is an entity created by State Statute and is subject to the State ethics laws at Fla. Stat. 112 et seq.

RE: Your familial relationship with the City Manager

Your familial relationship with the City Manager does not raise any conflicts of interests because the City Ethics Code does not include "nephew" within the definition of immediate family members.

If you have additional questions, please feel free to contact Robert Meyers or me.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601
Fax: 305 579-0273

miamidade.gov 

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

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From: Capp, Larry Dr. (MDCR)
Sent: Thursday, February 03, 2011 7:06 PM
To: Meyers, Robert (COE)
Subject: Request for Opinion

Greetings Mr. Meyers,

Please accept this email correspondence as my formal request for an opinion from your office regarding the issue of a possible conflict of interest. The background is the following:

I serve as a volunteer on the board of directors of Mount Zion Developments, Inc (MTZD) which is a non-profit community development corporation operated by the Historic Mount Zion Baptist Church located in the Overtown community. I have been on the board about a year and was elected treasurer of MTZD last year. The Chairman of MTZD is our pastor Rev. Ralph Ross and we have a full-time Executive Director, Mr. Donald Patterson, who manages daily administrative and grant-writing activities. He is our only paid staffer. Board members serve without any financial compensation. My full-time employment is with the Miami-Dade Corrections and Rehabilitation Department as a Psychologist 2.

Last summer, MTZD acquired the Carver building in Overtown and we have completed plans to renovate it to provide ten units of affordable housing and four retail/commercial spaces. The plans and permits have been fully approved by the city of Miami's Building and Zoning Department and the project is "shovel ready". MTZD has been approved for a loan from the city of Miami's HOME affordable housing agency to fully renovate the ten apartment units. MTZD has also applied for a grant from the Southeast Overtown Park West Community Redevelopment Agency (SEOPW) for a grant to be used for the remainder of the construction costs.

The matter of a possible conflict of interest relates to familial relationships among these entities. My father and I are members of Mount Zion Baptist Church. My dad has been a member for over 60 years and he is a Deacon in the church. My service to the church is my work on the MTZD board. My father is not involved with the CDC at all. My nephew, Tony Crapp, Jr. was appointed City Manager of Miami effective January 1st. In this position, he of course supervises all of the city's department heads and staff. This includes the Executive Director of the SEOPW CRA. While Tony, Jr. attended Mount Zion while growing up, he has not been a member of Mount Zion in the last 15 years. His parents also changed their membership to another church over 15 years ago.

Does this situation of familial relationships rise to the level of forming a conflict of interest for the City Manager or for me? He is not involved in the review of grant applications and does not vote at CRA meetings. However, the city's five commissioners serve as voting members of the SEOPW CRA. I have participated in meetings with the staff of the SEOPW CRA, along with other MTZD board members and Mr. Patterson, to answer questions about our application and to advocate for its approval, however my relationship to the City Manager has never been mentioned in these meetings. Like my fellow board members, I have not registered as a lobbyist with the city. We do not perceive lobbying as our role as nonpaid volunteers. Please let me know if this is in keeping with the guidelines of your office.

When the loan from the city's HOME program were presented to their board and approved, I was present at the meeting but did not address the group.

Please feel to contact me if you or your staff desires any additional information. My cell phone number is 786-357-5066. Thanks for your assistance with this matter.

Dr. Larry Capp