

**Meyers, Robert (COE)**

JNO 11-76

**From:** Meyers, Robert (COE)  
**Sent:** Thursday, May 12, 2011 11:27 AM  
**To:** Tooley, Vaughn E. (HT)  
**Subject:** RE: REQUEST FOR ETHICS OPINION

Mr. Tooley:

Thank you for your explanation. Under the county ethics rules, a board member would have a conflict if he/she voted on a matter in which the member would be directly affected and the member had a special relationship with the party or the entity appearing before the board. Based on the fact that the 401k issue has never been on the Domestic Violence Oversight Board (DVOB) agenda and is unlikely in the future to appear on an agenda, I see no reason to prevent this appointment. If for some reason 401k services became a board agenda item, this board member could simply declare a conflict of interest and not participate or vote on the item. If such a situation were to arise, having a voting conflict with respect to one item would not disqualify an individual from serving on a County board.

If you have any additional questions, please contact me at your convenience.

Sincerely,

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

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**From:** Tooley, Vaughn E. (HT)  
**Sent:** Thursday, May 05, 2011 2:07 PM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: REQUEST FOR ETHICS OPINION

Mr. Meyers,

The DVOB has viewed the Center Operator as an autonomous agency that was awarded the contract through a competitive process. The contract does not require that they provide a 401k to their employees. The 401k issue has never been on the Board's agenda and is not likely to appear on the agenda.

The Domestic Violence Oversight Board (DVOB) is an advisory board to the Board of County Commissioners (BCC) charged with the construction and operation of domestic violence centers and advising the BCC on all issues related to or effecting domestic violence. The current major activities of the DVOB are the design and construction, and subsequent operation of a second domestic violence center in addition to the current center that has been operational since 2004; and the coordination of community activities to develop and implement a communitywide Domestic Violence Plan.

Let me know if you need further information and thank you for your assistance.

**Vaughn Tooley**, Executive Director  
 Domestic Violence Oversight Board  
**Homeless Trust**  
 Miami-Dade County -Stephen P. Clark Center  
 111 NW First Street, 27th Floor, Suite 310  
 Miami, Florida 33128-1930  
 Office: 305-375-2861  
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5/12/2011

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*SUNSHINE LAW AND PUBLIC RECORDS CAUTION: 1) The Florida Government in the Sunshine Law prohibits discussion outside a duly noticed meeting between any two or more Domestic Violence Oversight Board members regarding any matter that may come before the Domestic Violence Oversight Board. This prohibition extends to discussions via e-mail. 2) Furthermore, most e-mail communications made or received by the Domestic Violence Oversight Board members or staff are considered public records that must be retained and upon request, made available to the public and media.*

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**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, May 04, 2011 2:31 PM  
**To:** Tooley, Vaughn E. (HT)  
**Subject:** RE: REQUEST FOR ETHICS OPINION

Mr. Tooley:

Before I can issue an opinion, I need more information about the issues the come before the Domestic Violence Oversight Board. Does the Board make decisions on 401k issues? What type of decisions are made with respect to the operator of the domestic violence center under the Board's purview? Generally speaking, what type of items dominate the agenda of the Domestic Violence Oversight Board?

Thanks,

Robert Meyers

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**From:** Tooley, Vaughn E. (HT)  
**Sent:** Tuesday, May 03, 2011 4:54 PM  
**To:** Meyers, Robert (COE)  
**Subject:** REQUEST FOR ETHICS OPINION

Request for Opinion

We are requesting an opinion regarding a potential appointment to the Domestic Violence Oversight Board. During a preliminary conversation with a candidate for appointment to the Board, we discovered that he is a consultant on 401k issues for the provider that operates the domestic violence center under the Board's purview.

The candidate for appointment was providing 401k services to the center operator prior to being considered for appointment to the Board, and the center operator's selection of a 401k provider is under the purview of its Board of Directors.

Would his appointment to the Board present any ethical liabilities for him or the Board?

We would greatly appreciate your opinion in this matter.

Thanks,

**Vaughn Tooley**, Executive Director  
Domestic Violence Oversight Board  
**Homeless Trust**  
Miami-Dade County -Stephen P. Clark Center  
111 NW First Street, 27th Floor, Suite 310  
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Office: 305-375-2861

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