

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, June 14, 2012 2:07 PM  
**To:** Edwards, Julie (PHCD)  
**Cc:** Fortner, Gregg (PHCD); Centorino, Joseph (COE)  
**Subject:** Opa-Locka Triangle Area Beautification Program (INQ 12-102)

Ms. Edwards,

You asked on behalf of Executive Director Gregg Fortner if the County Ethics Code prevents Opa-Locka City Commissioner Gail Miller from participating in the Opa-Locka Triangle Area Beautification Loan Program administered by the Miami-Dade CAHS Department.

We find no ethics conflicts for Commissioner Miller based on the following:

- Neither the City of Opa-locka nor City Commissioner Miller has played any role whatsoever in establishing, overseeing, approving or administering the program.
- Commissioner Miller has taken no official actions affecting the program and will not be required to do so in the future.
- Commissioner Miller applied for assistance through the normal channels and met all program requirements. She has not attempted to use her official position to obtain the loan.
- The loan program is administered entirely by the County. County staff take the applications, process them, qualify the applicants and issue the beautification loans to qualified residents of Opa-Locka.

According to County Commissioner Barbara Jordan's website, qualified applicants may receive up to \$5,900 through the Housing Finance Authority for exterior painting and landscaping for their private residents. The work is done by contractors selected by the County.

Please feel free to contact our office if you have additional questions.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

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

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**From:** Edwards, Julie (PHCD)  
**Sent:** Thursday, June 14, 2012 11:04 AM  
**To:** Frigo, Victoria (COE)  
**Subject:** FW: Conflict of Interest & Opa Locka Triangle Area Beautification Program

Victoria,

My Executive Director Gregg Fortner, asked that I forward the below response to you to seek your input and determination as to whether or not a conflict of interest exist. Please feel free to give me a call at the below numbers if you have any questions or require additional information/clarification. Thank you for your assistance.

**Julie Edwards**, Assistant Director  
**Miami-Dade Public Housing and Community Development**  
701 NW 1st Court, 14th Floor, Miami, Florida 33136  
786-469-2255 Phone 786-469-2170 Fax  
305-302-9813 Cell

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**From:** Neuman, Brenda (CAO)  
**Sent:** Wednesday, June 06, 2012 3:07 PM  
**To:** Edwards, Julie (PHCD)  
**Cc:** Fortner, Gregg (PHCD)  
**Subject:** Conflict of Interest & Opa Locka Triangle Area Beautification Program

This is in response to your inquiry as to whether there is a conflict of interest in providing a beautification loan to Opa Locka City Commissioner Gayle Miller. You advised me of the following:

The program is the Opa Locka Triangle Area Beautification program (the "Program") administered by Miami-Dade County, CAHS department. Commissioner Miller applied for a loan through the Program using the normal procedure: submitting an application to CAHS and providing documents to show income qualification. In the process of applying, Commissioner Miller completed a 1099 form disclosing that she is a sitting City of Opa Locka commissioner. The Program is entirely administered by the County: County staff take the applications, process them, qualify the applicants, and issue the beautification loans to qualified residents of Opa Locka. Commissioner Miller is a qualified resident of Opa Locka. The City of Opa Locka Board of Commissioners has no role in the Program whatsoever, and Commissioner Miller has no role in the Program or in any decisions affecting the Program. Commissioner Miller has exerted no influence whatsoever on the County or attempted to use her position as City Commissioner in any way. She merely applied for the assistance and qualified according to the regular Program rules.

I reviewed Florida conflict of interest statutes, Chapter 112, Part III, establishing a Code of Ethics for public officers and employees. I also reviewed the Surtax statute, Section 125.0167, Florida Statutes. Following this review and based upon the facts provided to me as set forth above, I see no conflict of interest or other prohibition against permitting Commissioner Miller to participate in the Program. I recommend that you seek an opinion from the Miami-Dade County Commission on Ethics as to the County's conflict of interest ordinance.

Have a great day.

Best regards,

Brenda Kuhns Neuman  
Assistant County Attorney  
Miami-Dade County Attorney's Office  
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Miami, FL 33128  
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