

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, September 11, 2013 4:04 PM
To: Frigo, Victoria (COE)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Public Health Trust Nominating Council

The below request for opinion was received from Assistant County Attorney Eugene Shy on behalf of the Public Health Trust Nominating Council. The request for opinion involved the possible nomination of Jose Ramon Mas for a position on the Public Health Trust Board of Trustees. The request was made in light of the fact that Mr. Mas's brother, serves on the Board of Directors of Miami Children's Hospital.

After reviewing the heightened Conflict of Interest standard adopted by the Board of County Commissioners for the PHT, which is contained in Article III, Section 3, of the by-laws of the PHT, I determined that Mr. Mas was ineligible for appointment for two reasons: 1)He has an immediate family member (the heightened standard includes brothers within its definition of "immediate family) on the Board of Directors of an organization which does business with or provides services to Jackson Health System; 2)He has an immediate family member on the Board of Directors of an organization that competes with Jackson Health System (the only two choices in Miami-Dade County for children's hospital services are Miami Children's and Jackson's Holtz Children's Hospital).

Prior to my communicating this opinion to the County Attorney's Office, I was informed that the request for opinion was being withdrawn. Subsequently, I was informed that Mr. Mas had withdrawn his candidacy for a position on the PHT Board. This matter should, nonetheless, be included in an INQ file.

From: Shy, Eugene (CAO)
Sent: Monday, September 02, 2013 3:14 PM
To: Centorino, Joseph (COE)
Cc: Christian, Valda (CAO)
Subject: RE: Public Health Trust Nominating Council request for opinion regarding Jose Ramon Mas

Miami Children's does have a contract with the Public Health Trust pursuant to which Miami Children's provides pediatric neurosurgery services to the Trust. As to competition, we will respond factually by stating that the choices in Miami-Dade County for children hospital services are Miami Children's and Jackson's Holtz Children's Hospital.

From: Centorino, Joseph (COE)
Sent: Monday, September 02, 2013 2:01 PM
To: Shy, Eugene (CAO)
Cc: Christian, Valda (CAO)
Subject: RE: Public Health Trust Nominating Council request for opinion regarding Jose Ramon Mas

Does Miami Children's Hospital provide services to or compete in any way with Jackson?

From: Shy, Eugene (CAO)
Sent: Sunday, September 01, 2013 2:35 PM
To: Centorino, Joseph (COE)
Cc: Christian, Valda (CAO)
Subject: Public Health Trust Nominating Council request for opinion regarding Jose Ramon Mas

Following up on our recent inquiry, the Public Health Trust Nominating Council met on Friday, August 30th, to shortlist potential nominees for membership on the Public Health Trust Board of Trustees. Jose Ramon Mas is one of

four (4) finalists whom the Nominating Council wants to interview before making its final recommendations to the Board of County Commissioners (“Commission”). It is our belief that the interviews will most likely be held during the week of Sept. 9th.

In his application, Mr. Mas disclosed a possible conflict of interest because his brother serves on the Board of Directors of Miami Children’s Hospital.

As you know, the Board of Trustees is governed by a heightened conflict of interest standard as mandated by Commission Resolution No. R-1020-11. In addition, the Trust Bylaws, approved by Commission Resolution No. R-487-13, include provisions regarding the heightened standard. Under the Trust Bylaws, the Ethics Commission has been empowered to render opinions regarding the heightened standard.

The Nominating Council has asked our office to request an opinion from your office relative to Jose Ramon Mas’ ability to serve on the Board of Trustees in light of the possible conflict of interest identified in his application. Therefore, the question we present is:

Whether, under the heightened conflict of interest standard pertaining to the Trust, Jose Ramon Mas would be disqualified from serving on the Public Health Trust Board of Trustees due to a conflict of interest created by his brother’s service on the Board of Directors of Miami Children’s Hospital?

I am sure you have most if not all of the following, but I have attached the following items that may assist in rendering your opinion:

1. Jose Ramon Mas’ Application
2. Resolution No. R-1020-11
3. Memorandum of Robert Meyers, dated May 18, 2011
4. Excerpt of the PHT Bylaws regarding the heightened standard. The full PHT Bylaws can be found on the miamidade.gov portal under Commission Resolution No. R-487-13.

If at all possible we ask that you render an opinion as soon as possible, so that the Nominating Council can set its interview agenda for the week of September 9th.

EUGENE SHY, JR.
ASSISTANT COUNTY ATTORNEY
(305)585-1313 (Jackson)
(305)375-5303 (Main Office)

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, September 12, 2013 8:57 AM
To: Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE)
Subject: FW: Public Health Trust
Attachments: ES-MIA-ECOPY7_SMTP_via_LDAP_09-11-2013_12-31-20.pdf; ATT00001.htm

Please include this email and attached letter in the INQ file on this matter.

From: Christian, Valda (CAO)
Sent: Wednesday, September 11, 2013 4:31 PM
To: Centorino, Joseph (COE)
Cc: Shy, Eugene (CAO)
Subject: FW: Public Health Trust

Mr. Centorino, I'm forwarding the attached correspondence received today from Mr. Mas, applicant to the PHT Board of Trustees. As you'll see, Mr. Mas has withdrawn his application. In light of said withdrawal, it is my understanding that the Chairman Sharpton, on behalf of the Nominating Council, is withdrawing the inquiry our office forwarded related to the possible conflict of interest identified in Mr. Mas' application (please see Mr. Shy's e-mail to you of September 1, 2013). I am available by phone if you'd like to discuss. Thank you and have a good day. Valda

Valda Clark Christian
County Attorney's Office
305-585-1313

From: Crespi, Christina (Office of the Mayor)
Sent: Wednesday, September 11, 2013 2:18 PM
To: Shy, Eugene (CAO); Christian, Valda (CAO)
Cc: Fernandez, Gladys (Office of the Mayor)
Subject: Fwd: Public Health Trust

FYI

Christina Crespi, Assistant to the Deputy Mayor
Miami-Dade County
Office of the Mayor
[305-375-4145](tel:305-375-4145)
MiamiDade.gov
"Delivering Excellence Every Day"

Begin forwarded message:

From: Jose Mas <Jose.Mas@mastec.com>
Date: September 11, 2013, 2:15:36 PM EDT
To: "Darryl.sharpton@jhsMiami.org" <Darryl.sharpton@jhsMiami.org>, "clerkBCC@miamidade.gov" <clerkBCC@miamidade.gov>, "CAOA@miamidade.gov" <CAOA@miamidade.gov>, "CLARES@miamidade.gov" <CLARES@miamidade.gov>
Subject: Public Health Trust

Darryl,

Enclosed please find an attachment with a letter that was mailed out to you today.

Thanks

Jose Mas

Jose R. Mas

September 10, 2013

Darryl K. Sharpton
Chairman
Public Health Trust Nominating Council
1611 NW 12th Avenue
Miami, Fla. 33136

Dear Mr. Sharpton,

My family and I have a long, proud tradition of contributing to South Florida's civic community. It was in that spirit that I applied to join the Public Health Trust Board of Trustees and participate in Jackson Health System's ongoing improvement. I am honored to have been invited to interview with the Nominating Council.

Subsequent to my application, however, it was brought to my attention that my brother's similar involvement at another prominent hospital in Miami-Dade County could be considered a conflict under PHT rules. I personally reviewed those rules and concluded that my appointment to the PHT would clearly be a violation. My only alternative would be to ask my brother to terminate his own commitment to growing and improving healthcare in South Florida, which I cannot in good conscience do.

To that end, I regretfully must withdraw my name from consideration, effective immediately. Please know that I remain committed to Jackson's missions and will seek other avenues to support your exceptional progress. Should circumstances ever permit my reapplication in the future, I would certainly be pleased to resubmit my candidacy.

Thank you for understanding, and I wish you continued success at Jackson.

Sincerely,



Jose Mas