

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, March 06, 2013 5:06 PM
To: 'NHINCAPIE@voices.org'
Cc: Frigo, Victoria (COE)
Subject: INQ - Nelson Hincapie, Children's Trust Board Member

Mr. Hincapie,

You inquired as to whether you should consider resigning from the Children's Trust board since you have recently submitted an application to the board to be considered for the position of CEO of the Children's Trust. The board of which you are a member will be making the ultimate decision on whom to hire for this position. I suggested to you that it would be appropriate to resign from the board in light of the fact that as a member of the Trust board you will be regularly associating, meeting and conferring with individuals who will be making a decision that will directly affect your future. While it is obvious that you would not be able to participate in the voting on that hiring of a CEO, it is my opinion that the better policy would be for you to resign from the board to avoid any perception that you are using your current position to gain some special advantage in the selection process, which could amount to Exploitation of Official Position under Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. In addition, because of the significance of this decision to the Children's Trust, in addition to the actual vote on this matter, there will likely be a substantial number of ongoing discussions and references to the hiring issue, as well as procedural decisions to be made by the board in connection with the ultimate decision. In this situation you would have a recurring conflict that would not be adequately avoided by your absenting yourself from those other discussions and decisions, and would also deprive the board of a participating and voting member on an issue crucial to its future.

Please feel free to contact me should you wish to discuss this matter further.

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
www.miamidadeethics.com

