

Diaz-Greco, Gilma M. (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, January 30, 2014 2:29 PM
To: Rivero, Felipe M. (OMB)
Cc: Centorino, Joseph (COE)
Subject: RE: Art Works For Us,Inc.

Dear Mr. Rivero,

You asked if the County Ethics Code prohibits Ms. Ana Miranda from serving on the Board of the non-profit organization Art Works for Us as President and also receiving compensation for her work as the project's Dance Movement Therapist. You advise that Art Works for Us is one of the community based organizations that received General Fund Support through the approval of the County's FY 2013-14 budget on September 20, 2013.

The Ethics Commission does not generally have jurisdiction over 501 (c)(3) (non-profit) organizations. While the contract underlying this matter specifically indicates that the provider signing the contract agrees to abide and be governed by the Ethics Code, Ms. Miranda would not fall into the classification of persons covered by the code. Nevertheless we will provide a non-binding analysis of this matter which we hope will be useful.

In our opinion, there would be a clear conflict of interest in a situation such as this, where a board member of a non-profit is also receiving compensation from County grant money for providing services under the community grant. If Ms. Miranda were covered by the Ethics Code, in her dual role as board member and compensated provider of services, it would likely constitute a violation of several provisions of the ethics code. For instance, Section 2-11.1(d) would prohibit her from voting as a board member on any matter that might, directly or indirectly, profit her or enhance her position. Additionally, Section 2-11.1(j) would prohibit her from accepting employment that would impair her independence or judgment in the performance of her duties as a board member.

Further, section VIII(A)(3) of the provider contract which you submitted to us, states that members of the board of directors are prohibited from "directly or indirectly receiving *any funds* (emphasis added) paid by the County to the provider under this Agreement." Thus, under the contract language, Ms. Miranda would be prohibited from both serving on Art Works Board of Directors and receiving compensation for therapist services she provide under the contract.

Please do not hesitate to contact me if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Rivero, Felipe M. (OMB)
Sent: Thursday, January 16, 2014 5:21 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Wall, Daniel (OMB); Fiano, Theresa (OMB); Pla, Carlos (OMB) (305) 375-1462
Subject: Art Works For Us,Inc.
Importance: High

Art Works for Us is one of the community based organizations that received General Fund Support through the approval of the County's FY 2013-14 budget on September 20, 2013. Through its \$5,250 award, the agency provides dance movement therapy to disabled individuals. Those services are provided by Ms. Ana Miranda as the project's Dance Movement Therapist; however, she is also the president of the agency's Board.

Ms. Miranda believes that the stipulations of Article VIII, Section A-6 of her agreement with the County will allow her to remain both as a paid staff member of the project as well as a member of the agency's Board provided that she has formally disclosed those relationships to the County. I have sent you both a copy of her disclosure and of the previously cited Conflict of Interest prevention guidelines (which were updated for the current fiscal year) so that you may provide us with a legal opinion regarding her employment and Board membership.

Thank you for discussing this issue with me earlier this afternoon. I will contact you next week so that we may discuss the outcome of your review.

From: ana@artworksforus.org [<mailto:ana@artworksforus.org>]
Sent: Friday, December 20, 2013 1:50 PM
To: Rivero, Felipe M. (OMB); Pla, Carlos (OMB) (305) 375-1462
Subject: Message from Ana Miranda--Letter to Daniel Wall from Art Works For Us,Inc.
Importance: High

Felipe and Carlos,

Thanks for your assistance with this matter. Attached is the letter requested. Our policy was sent earlier to you.

Let me know if this is satisfactory.

Thanks again,
Ana Miranda