

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, February 27, 2014 11:53 AM
To: 'Jennifer Dray'
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Jennifer Dray, Member, Surfside Planning and Zoning Board (Voting Conflict)

Ms. Dray:

Thank you for your inquiry regarding the upcoming vote on the expanded preschool for The Shul. You are the paid, fulltime, Executive Director of Beth Moshe Congregation, which also operates a preschool in the same area. You have overall supervisory authority over the preschool, which represents a significant financial resource for your Congregation. You have also acknowledged that there may be an overlap in the children that your preschool and that of the Shul may attract, and to that extent your congregation's preschool competes with that of The Shul. You have inquired regarding whether this may create a voting conflict for you in the upcoming matter.

As a member of the Surfside Planning and Zoning Board, you are a member of what is considered a "quasi-judicial" public board. Section 2-11.1(v) of the Miami-Dade County Conflict of Interest and Code of Ethics sets out the conflict of interest standard for members of quasi-judicial boards in the County and its municipal governments. This section provides that a conflict exists if you are an "officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary" of an entity appearing for the board and you would be "directly affected by the action of the board." It should be noted that this requirement is significantly less strict than that of Section 2-11.1(d), which applies to voting conflicts for elected officials. If you were an elected public official, the latter section would prevent you from voting or participating in any way on this item because of your position with Moshe Congregation and the fact that this vote might directly or indirectly affect the interests of Moshe Congregation or your own personal interest.

It appears to me that you do not have any of the listed relationships under Section 2-11.1(v) with The Shul, the entity appearing before your board. In addition, it does not appear to me from the given facts that your personal interest in your position or salary would be directly affected by this vote. Accordingly, I am of the opinion that, as a member of the Surfside Planning and Zoning Board, you are not prohibited by the county's Conflict of Interest and Code of Ethics Ordinance from voting on or otherwise participating in this item before your board.

Please note that the provisions of the county's ethics ordinance represent a minimum standard of ethical conduct. Every public servant must determine for himself or herself whether circumstances exist that prevent him or her from exercising an objective and independent judgment in public decision-making that is not influenced by considerations of personal interest, and to act accordingly.

If you have any further questions about this matter, please do not hesitate to call me at 305-579-2594.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Jennifer Dray [mailto:jdray@bethmoshe.com]
Sent: Wednesday, February 26, 2014 2:48 PM
To: Centorino, Joseph (COE)
Subject: FW: Surfside P&Z Member Potential Conflict on Shul Vote 2/27/14

Dear Joe Centorini,
Executive Director and General Counsel, Miami-Dade Commission on Ethics and Public Trust

My name is Jennifer Dray and I am a member of the Town of Surfside P&Z board.

We have a meeting this Thursday, February 27, 2014 at 7:00pm.

I find myself in the position of having to vote on an issue that **may appear** to be a conflict of interest.

I am certain that I can be objective on the matter, but I don't want there to be an appearance of anything less than open and honest information.

My current occupation is as the Executive Director of Beth Moshe Congregation, a conservative synagogue in North Miami.

2225 NE 121 Street, North Miami, FL 33181. Less than 2 miles from the property I am going to be voting on.

Beth Moshe operates an egalitarian conservative temple and a semi-private pre-school for about 120 children. Beth Moshe does not inquire into a person's religion when they apply for preschool here. In addition, we operate the government run VPK program, so we *cannot* refuse anyone based on religion.

The property in question, that is before the board for a vote is The Shul, in Surfside, which operates an **orthodox** congregation, and is seeking permission for an expanded preschool of up to 225 children.

While the two schools would draw from very different crowds, for instance Beth Moshe allows all religions to attend our preschool, non Jews, mixed religious families, etc... In contrast, I believe the Shul in Surfside would be more restrictive in who they allow to attend their school- (Jews only) **however, I am not certain about this fact.**

There could be an overlap in the children we try to attract to our preschools.

As I said, I am able to be objective, because I feel there are enough dissimilarities between the two schools, that my business will not be overly affected by the addition of an orthodox preschool nearby. My main concerns are for the town of Surfside and the traffic patterns that will be affected on Collins avenue.

However, I wanted this information to be on the record and I wanted the advice of the Ethics Commission before I attended the meeting on Thursday.

I have cc'd the Chairperson of the P&Z board Lindsay Lecour and the Town of Surfside Attorney Linda Miller on this email.

I look forward to your reply.

Jennifer Dray J.D.
Executive Director

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