



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Manuel Sarria
Assistant Executive Director with Miami-Dade County Homeless Trust
Strategic Procurement Department Selection Committee Coordinator

Yaritza Reina
Sr. Executive Secretary Office of the Commission Auditor (OCA)

FROM: Martha D. Perez
Temporary Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2024-105; Voting Conflict of Interest § 2-11.1(v); Appearances of
Impropriety

DATE: June 13, 2024

CC: All COE Legal Staff; Namita Uppal, SPD; Pearl Bethel, SPD; Yinka
Majekodunmi OCA; Jannesha Johnson, OCA; Paul Imbrione, RentConnect

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts:

We have reviewed your memorandum dated June 3, 2024, which was prepared in connection with the Appointment of Selection Committee for Miami-Dade Homeless Trust's Request for Applications (RFA) seeking respondents for the U.S. HUD Youth Homelessness Demonstration Program Notice of Funding Opportunity.¹ The memorandum was prepared in connection with Resolution No. R-449- 14, directing the Office of the

¹ Miami-Dade County, through the Miami-Dade County Homeless Trust (Homeless Trust) and in partnership with the Youth Voice Action Council, is requesting proposals for new projects as part of our community being selected as a round 7 Youth Homelessness Demonstration Program (YHDP) community. This competition will allow respondents to co-create new programs with young leaders to provide housing, support services, and other eligible activities benefiting youth and young adults experiencing homelessness. <https://www.homelesstrust.org/homeless-trust/providers/home.page>

Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The memorandum noted that a member of the selection committee made disclosures on his Neutrality/Disclosure Form that merited submission to the Commission on Ethics for an opinion. Specifically, the memorandum noted the following:

Mr. Paul Imbrone, Consultant, disclosed in his Neutrality Affidavit, his working relationship with several of the respondents, indicating he has not and will not receive any form of compensation or financial benefits from any of the respondents. Mr. Imbrone did not list the respondents he works with.

We conferred with Mr. Sarria, Assistant Executive Director with Miami-Dade County Homeless Trust (hereinafter referred as “the Trust”), a county agency which serves in an advisory capacity to the Miami-Dade County Commission and is responsible for implementing the Miami-Dade County Community Homeless Continuum of Care.² Mr. Sarria advised that Mr. Imbrone is a Consultant for the Trust leading RentConnect.³ He further explained that, as part of his duties, Mr. Imbrone often engages with some of the current respondents to this solicitation in an effort to list available properties for providers

² The Miami-Dade County Homeless Trust serves as the lead agency for Miami-Dade County’s homeless continuum of care (CoC), responsible for the oversight, planning and operations of the entire CoC including: administering proceeds of a one-percent (1%) Food and Beverage Tax. ; implementing the Homeless Plan which provides a framework for preventing and ending homelessness in Miami-Dade County; serving as the collaborative applicant for federal and state funding opportunities; administering grants and overseeing operations and fiscal activities for more than 100 housing and services programs operated by more than 20 competitively selected non-profit providers and government entities; managing Miami-Dade County’s Homeless Management Information System, the local technology system used to collect client-level data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness; developing policy and serving in an advisory capacity to the Board of County Commissioners on issues involving homelessness; and, overseeing and managing the bi-annual point-in-time census. <https://www.homelesstrust.org/homeless-trust/about-us/home.page>

³ RentConnect is a collaborative initiative/ program of the Miami-Dade County Homeless Trust continuum of care where landlords can easily navigate and register their properties for rental subsidy programs and have vacancies filled rapidly in an effort to more efficiently house people experiencing homelessness.

that are tasked with housing search. Mr. Sarria indicated that the respondents to this solicitation consist of 5 “new” providers⁴ and 3 “existing” providers.⁵

We also conferred with Mr. Imbrone, Director of Landlord Recruitment and Retention at RentConnect, and Consultant to the Trust. Through his position at RentConnect, he serves as a paid Consultant for the Homeless Trust.⁶ He has been servicing the Trust in this capacity for approximately seven years. Mr. Imbrone’s duties include identifying properties for the Trust to procure and assisting landlords with properties for prospective recipients. He advised that in his position, he is currently interacting with a few of the respondents to this solicitation who are existing providers to the Trust and/or have entered into MOUs with RentConnect. Specifically, Citrus Health and Salvation Army.⁷

Mr. Imbrone has no current ownership or other financial interest in any of the respondents to this solicitation. He also does not have any personal business, close social, or other relationship with any current employee of any respondent entity other than strictly professional relationships with the Trust’s already existing providers. Mr. Imbrone indicated that his professional interactions with these existing providers will not affect how he evaluates the various respondents to this solicitation, and he believes he can be fair and impartial when evaluating the respondents to this solicitation.

⁴ Pridelines Youth Services, Inc.; The Children's Village Inc.; The Health Council of South Florida, Inc.; Genesis Hopeful Haven, Inc.; and Prosperity Social and Community Development Group, Inc., are new applicants.

⁵ Citrus Health Network, Inc. is an existing provider with a signed MOU with RentConnect; Educate Tomorrow, Corp. is an existing provider but their role is an access point for youth, they don’t perform housing navigation; and The Salvation Army is an existing provider with a signed MOU with RentConnect

⁶ The Miami-Dade County Homeless Trust serves as the lead agency for Miami-Dade County’s homeless continuum of care (CoC), responsible for the oversight, planning and operations of the entire CoC including: administering proceeds of a one-percent (1%) Food and Beverage Tax.; implementing the Homeless Plan which provides a framework for preventing and ending homelessness in Miami-Dade County; serving as the collaborative applicant for federal and state funding opportunities; administering grants and overseeing operations and fiscal activities for more than 100 housing and services programs operated by more than 20 competitively selected non-profit providers and government entities; managing Miami-Dade County’s Homeless Management Information System, which is used to collect client-level data on the provision of housing and services to homeless individuals and families and persons at risk; developing policy and serving in an advisory capacity to the BCC on issues involving homelessness; and, overseeing and managing the bi-annual point-in-time census. <https://www.homelesstrust.org/homeless-trust/about-us/home.page>

⁷ Mr. Imbrone advises that although Educate Tomorrow is an existing provider with the Trust, he has not interacted directly with them.

Discussion:

This agency conducts reviews of these issues under the County Ethics Code, which governs conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

Specifically, Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves *and* the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary' or (ii) stock holder, bondholder, debtor or creditor.

Mr. Imbrone is a consultant with the Trust. It does not appear that he has a voting conflict of interest under Section (v) of the County Ethics Code because he does not have a prohibited enumerated relationship with the respondents, or any other entity affected by the vote and he will not be directly affected by the vote

Further, as noted above, due to the sensitivity of the procurement process and the need to sustain public confidence in it, this agency also opines concerning whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of an appointed selection committee. *See* Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure. For example, a lack of objectivity can create an appearance of impropriety. *See* INQ 16-165.

Mr. Imbrone stated that he has had and currently has some level of involvement with two of the respondents to this solicitation due to his position with the Trust and RentConnect.

The Commission on Ethics has indicated in various informal opinions that, absent some other factor, the mere fact that a Selection Committee member has interactions with a respondent in connection with the member's County duties would not create an appearance of impropriety that could affect the public trust in the integrity of the procurement process. *See* INQ 23-01; INQ 22-147; INQ 20-136; INQ 18-230. The Commission's opinions note that, in fact, it may be valuable to have an individual on a selection committee who is personally familiar with the work of one or more of the responding firms, particularly where the member also has some special expertise in the services that are being sought by the County. *See* INQ 23-76; INQ 22-153; INQ 20-136; INQ 18-230.

Based on the information provided and pursuant to Section 2-11.1(v) of the County Ethics Code, it does not appear that Mr. Imbrone will be directly affected by the vote, and he does not currently have any of the enumerated relationships with any entity affected by the vote. *See* INQ 23-01. Mr. Imbrone interacts with some of the respondents for this solicitation through his position at the Trust, however, the mere fact that a selection committee member has had interactions with a respondent or subconsultant in connection with the member's

position does not, by itself, create an appearance of impropriety that could affect involvement with the respondents to this solicitation due to the public trust in the integrity of the procurement process. *See* INQ 14-279, INQ 16-165, INQ 17- 286, INQ 18-21, INQ 18-47, INQ 18-230, INQ 20-136, INQ 22-153, INQ 2024-06

The COE's opinions note that, in fact, it may be valuable to have an individual on a selection committee who is personally familiar with the work of one or more of the responding firms/entities, particularly where the member also has some special expertise in the services that are being sought by the County. *See* INQ 18-21, INQ 18-47, INQ 18-230, INQ 20-136, and INQ 22-153. Here,

Consequently, Mr. Imbrone's current and past involvement with some of the listed respondents would not create an appearance of impropriety because his interactions are limited to those required through the duties of his position with the Trust. *See* INQ 24-04 and INQ 22-153.

Additionally, since Mr. Imbrone has no close personal relationships with any of the owners or employees of the respondent entities and no ownership or other financial interest in the respondents, his interactions would not give rise to any appearance of impropriety related to his service on this Selection Committee. *See* INQ 23-146; INQ 22-147; cf. INQ 21-126.

Notably, Mr. Imbrone has indicated that despite his interactions, he could remain impartial when evaluating the respondents to this solicitation.

Opinion:

Accordingly, based on the facts presented, Mr. Imbrone does not have a conflict of interest under the Ethics Code that would prevent him from serving as a member of this selection committee, and there does not appear to be any appearance of impropriety created by his service on this committee.

Selection committee members are reminded that the selection committee, for which they will serve, operates under the County's Cone of Silence, Section 2-11.1(t) of the County Ethics Code. The Cone of Silence puts significant restrictions on oral communications made by Commissioners, County staff, selection committee members, and prospective contractors, as well as their lobbyists and consultants, regarding any procurement matter during the time that the Cone is in effect. All selection committee members will therefore be prohibited under the Cone from communicating with any of the responding entities to this solicitation with which they may currently have interactions regarding ongoing projects.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics. We appreciate your consulting with the Commission in order to

avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Commission on Ethics or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.