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INQ 16-136 Russo

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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, May 10, 2016 4:29 PM  
**To:** 'cjrsix@gmail.com' <cjrsix@gmail.com>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>  
**Subject:** INQ 16-136 Chris Russo, City Manager, City of Sunny Isles Beach (Transaction With Employee; Exploitation)Ch

Chris:

You have inquired regarding whether, as City Manager for the City of Sunny Isles Beach, you may enter into a business transaction with an employee of the City who has outside employment as a private real estate agent. You are in the process of purchasing a condominium and this employee would be showing you a condo available for purchase. In the event that you were to purchase a condo in which this employee was involved as an agent, there would be a business transaction in which you would be involved and which also would involve this employee, who may be in a position to receive a paid commission in connection with the transaction. The employee in question is the Administrative Assistant to the Public Works Director. You do not directly supervise or evaluate that employee, however, all City employees are ultimately subject to your authority.

While there is no outright prohibition regarding such a private transaction, any business relationship between the Chief Executive Officer of a municipality and a lower level employee may come under scrutiny if there is a chance that it could affect or be affected by the professional relationship between the official and the employee. Since such an employee essentially has an employment contract with the City, Section 2-11.1(u) would require that you, as City Manager, should only have an arms-length business relationship with that individual. Therefore, there should be no special consideration or favored action that takes place toward you, e.g., an agreement by the employee to accept a lower commission to enable you to receive a lower sales price on the condo. Additionally, to avoid any perception of an Exploitation of Official Position under Section 2-11.1(g), you should avoid any use of City time or resources in communicating with this employee and any perception that you have used your superior position to gain any advantage in the transaction. If you can anticipate that the transaction could have some impact on your ability to exercise independent judgment in connection with this employee's relationship with the City, then it should be avoided.

Sincerely,

Joe Centorino

*Joseph M. Centorino*

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