

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 17, 2017 1:28 PM
To: Sanchez, Rodzandra (COE)
Subject: Manny Cid, Mayor of Town of Miami Lakes FW: INQ 17-10

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From: Centorino, Joseph (COE)
Sent: Tuesday, January 17, 2017 12:12 PM
To: 'Raul Gastesi' <rgastesi@gastesi.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: INQ 17-10 Manny Cid, Mayor of Town of Miami Lakes

Mr. Gastesi,

You have inquired in your capacity as Town Attorney for the Town of Miami Lakes regarding a possible voting conflict of interest for the Town Mayor, Manny Cid, in voting on an upcoming item before the Town Council, of which Mayor Cid is a member. I have been informed that Mayor Cid is part owner of a for-profit day care facility, in which he owns a 30% share and his business partner, Alexandra Alonso, owns a 70% share. Robert Alonso, the husband of Alexandra Alonso, has recently registered as a lobbyist on behalf of an entity that is coming before the Council for approval of the site plan for a planned development. The entity that he represents has no financial or other relationship with either the company partially owned by Mayor Cid or Mayor Cid himself. Mayor Cid also has no financial or business relationship with the husband of his partner, although they are acquainted. The matter is coming before the Council this evening, and the Council will be sitting in a quasi-judicial capacity when the matter is taken up.

Under Section 2-11.1(d) of the County Code of Ethics, for there to be a voting conflict that would disqualify an elected official from participating in or voting on a matter before the board of which he or she is a member, the official would need either to have one of a number of enumerated relationships with an entity affected by the vote or the official would need to be in a position where he or she might, directly or indirectly, profit or be enhanced by the vote. In this situation, I do not see that there is any of the relationships that would automatically create a voting conflict. As to whether Mayor Cid might profit, directly or indirectly, from the vote, it raises a question of whether his favorable action on a matter in which his business partner is the lobbyist, would lead to some enhancement of his business relationship with the spouse of the lobbyist. However, there would need to be at least some indicia on which to base such a possible benefit, other than mere speculation. Therefore, I do not find that there is any voting conflict of interest that would legally prevent Mayor Cid from participating in and voting on this item.

It should be pointed out, however, that there is likely to be a perception of a possible conflict, given that the individual who is the spouse of Mayor Cid's business partner has registered for the first time as a lobbyist to lobby on an item before the Miami Lakes Council, only a short time after Mayor Cid's election as mayor.. The timing of the representation is obviously problematic, in addition to the existing business relationship that the Mayor has with the spouse of the lobbyist. The fact that the issue is coming up within the context of a quasi-judicial proceeding only serves to heighten the questions that are likely to be asked in connection with the Mayor's business relationship with the lobbyist's spouse. Under Section 286.012, Florida Statutes, "If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice." Although it is our opinion that there is no legal prohibition preventing Mayor Cid

from voting on this matter, Mayor Cid may find it appropriate to consider whether he should abstain pursuant to Section 286.012.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
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From: Raul Gastesi [<mailto:rgastesi@gastesi.com>]
Sent: Monday, January 16, 2017 10:46 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Cid, Manny <CidM@miamilakes-fl.gov>
Subject: Manny Cid

Joe

Tried to call you regarding a matter coming up for hearing tomorrow. Please call me.

--

RAUL GASTESI, JR., ESQ

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