

IWQ 03-50

**Prkic, Christina (COE)**

**From:** Wright, Erica N. [EWright@ci.miami.fl.us]  
**Sent:** Tuesday, June 10, 2003 4:05 PM  
**To:** Prkic, Christina (COE)  
**Subject:** RE: Question

Thanks. This matter has been resolved, but I thank you for responding so quickly.

-----Original Message-----

**From:** Prkic, Christina (COE) [mailto:cprkic@miamidade.gov]  
**Sent:** Tuesday, June 10, 2003 3:59 PM  
**To:** Wright, Erica N.  
**Subject:** FW: Question

Hi Erica,

In order to adequately respond to your question, I will need more details as to the specific situation or matter you're referring to.

At minimum, I can tell you that the Ethics Commission has rendered opinions, for example, whereby officials are prohibited from voting on matters involving a nonprofit in which the official is an officer or board member, in either a paid or voluntary capacity. In the matter you present, it is not clear whether the minister/clergy is considered "officer" or "board member" of the church.

Additionally, in RQO 01-61 [you can find the full text on our website at [www.miamidade.gov/ethics](http://www.miamidade.gov/ethics), the Ethics Commission opined that an elected official may vote on a zoning matter involving a private school where his children attend, only when he does not have any of the prohibited relationships with the school and would not be uniquely affected.

Let me also direct you to subsection (v) "Voting Conflicts: Members of Advisory or Quasi-Judicial Boards" of the Conflict of Interest and Code of Ethics Ordinance.

"No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (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) stockholder, bondholder, debtor or creditor."

Finally, it would not appear to be a prohibited conflict for the minister to vote on a matter regarding a church member, provided that the church member is not involved in any business matters of the church, for example, such as serving on a board or committee which reviews or evaluates the minister or determines benefits/compensation for the minister.

Feel free to contact me directly at (305) 350-0615 should you have any further questions or comments; or you may submit a formal request for an opinion.

Kind regards,  
Christina Prkic  
Staff Attorney

-----Original Message-----

From: ETHICS  
Sent: Monday, June 09, 2003 2:59 PM  
To: Prkic, Christina (COE)  
Subject: FW: Question

Christina,

Let's discuss.

Thanks,

Robert

-----Original Message-----

From: Wright, Erica N. [mailto:EWright@ci.miami.fl.us]  
Sent: Monday, June 09, 2003 10:29 AM  
To: ethics@miamidade.gov  
Subject: Question

Have you had any situations dealing the parameters of a minister/clergy being a member of a board? Particularly whether they can make any decisions regarding their churchmembers?

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