

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K12-030

Date Opened: 02/23/12

Date Closed: 03/14/12

Investigator: Sylvia Batista

On February 21, 2011, the COE received a request for advisory opinion from City of North Miami Councilwoman Marie E. Steril (Steril). Steril advised that she is currently the Executive Director of The Family Corners, Inc. (“Family Corners”), a non-profit corporation doing charitable work in Miami-Dade County and Haiti. Furthermore, Steril advised that she is a paid employee of Family Corners.

Steril further stated in her request that during a Family Corners fundraiser, a prospective developer, who is in the process of negotiating the development of a city-owned tract, made two donations to Family Corners totaling \$6,000. Steril advised that Family Corners accepted the donations on the advice of the interim City Attorney who noted no conflict of interest notwithstanding the fact that council will soon vote on the contract with the developer.

The COE's issue relates to a possible violation of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(e)(3)(a) *Gifts - Prohibition*.

Investigation:

COE Staff Attorney, Victoria Frigo, issued an advisory opinion wherein she recommended that, in order to avoid the appearance of having an arrangement with the developer, Steril should not vote or participate in any way in the instant matter involving the developer. Furthermore, Ms. Frigo recommended that Steril recuse herself from all future votes involving the developer.

Ms. Frigo further recommended that, should Family Corners opt to return the donations to the developer, Steril would only be prohibited from voting on the instant matter, but may vote in future matters involving the developer.

On February 29, 2012, COE investigator contacted Steril in reference to the ethics opinion and inquired as to the course of action that she would take. Steril advised that Family Corners had recently returned the donations to the developer, and provided this investigator with a copy of the check stub as proof.

At the March 13, 2012 city council meeting, council voted against entering into the contract with the developer 3 to 1. Councilmember Steril did not take part in the vote.

On March 14, 2012, the COE issued a ratified ethics opinion to Steril wherein they acknowledged her recusal from voting on the matter involving the developer. The opinion further suggests that because Family Corners opted to return the donations, Steril may vote on future issues related to the developer.

Conclusion:

In view of the fact that Family Corners returned the donations to the developer, Steril may vote on future issues related to the developer. For this reason, this matter can be closed.