

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, May 30, 2018 9:37 AM
To: Sanchez, Rodzandra (COE)
Subject: Dennis C. Moss, Miami-Dade County Commissioner (DIST9) (Voting Conflict) INQ 18-126

INQ 18-126 Moss

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

From: Centorino, Joseph (COE)
Sent: Tuesday, May 29, 2018 5:49 PM
To: Moss, Dennis C. (DIST9) <Dennis.Moss@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-126 Dennis C. Moss, Miami-Dade County Commissioner (DIST9) (Voting Conflict)

Dear Commissioner Moss:

You have inquired regarding whether you would face any foreseeable future conflicts of interest in your position as Miami-Dade County Commissioner for District 9, in connection with issues involving the Richmond-Perrine Optimist Club (the Club), from which you anticipate retiring as Executive Director. In the past, you have recused yourself from participating and voting on issues related to the Club, in particular, funding that the Club has received from the County as a community-based organization. This conflict was due to your position as an officer of the Club, which, under Section 2-11.1(d) of the County Ethics Code, created an automatic voting conflict of interest for you on matters before the BCC which directly or indirectly affected the Club. Also, during the time when you were a paid officer of the Club, it was deemed that you might profit or be enhanced by action of the BCC affecting the Club.

In the event that you retire from your position with the Club and, thereafter, that you are not serving as Executive Director, do not have a relationship with the Club as an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary of the Club; and further, that you have no financial relationship with the Club and would not stand to personally profit or be enhanced by a BCC action affecting the Club, then you would no longer have a voting conflict of interest on legislative matters coming before the BCC that would or could affect the Club. You could, therefore, participate and vote on matters such as funding that the Club might receive from the County. I do not see any other conflict of interest arising from your past association with the Club, provided that such association was terminated and, as indicated, you could not personally benefit financially or otherwise, from the issue.

The only caveat I would add is that, in the event that the Club should come before the BCC on a quasi-judicial matter, such as a hearing on a zoning or enforcement issue, then you might be advised to recuse yourself to assure a fair proceeding free from potential bias or prejudice, pursuant to Section 286.012, Florida Statutes. Such a situation would not be considered a conflict of interest requiring a recusal, but rather a permissible abstention, in view of the importance of maintaining fairness in such proceedings. In any such situation, you may want to consult with this agency or with the County Attorney's Office to receive further guidance.

As always, please feel free to call on us should you have any further questions.

Sincerely,

Joe Centorino

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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-----Original Message-----

From: Moss, Dennis C. (DIST9)
Sent: Tuesday, May 29, 2018 1:11 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Retirement from the Richmond-Perrine Optimist Club

Mr. Centorino,

I am writing to request an opinion from you in reference to the Conflict of Interest Laws. I am currently seriously considering retiring from the Richmond-Perrine Optimist Club as it's Executive Director. Upon my official retirement, I am requesting your opinion on what would be the rules that I would have to govern myself by, relative to a conflict of interest.

Thank you for your attention to this matter.

Commissioner Dennis C. Moss

Sent from my iPhone