

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 18, 2018 9:28 AM
To: Sanchez, Rodzandra (COE)
Subject: Marlen Martell, Village Manager, North Bay Village (Nepotism, Exploitation)

INQ 18-148 Martell

From: Centorino, Joseph (COE)
Sent: Friday, June 15, 2018 5:38 PM
To: 'MMartell@nbv.com' <MMartell@nbv.com>
Cc: 'YMenegazzo@nbv.com' <YMenegazzo@nbv.com>; 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>
Subject: INQ 18-148 Marlen Martell, Village Manager, North Bay Village (Nepotism, Exploitation)

Ms. Martell:

You inquired concerning whether it would be appropriate for you to hire Ms. Yolanda Menegazzo for the position of Assistant Village Manager, where Ms. Menegazzo is a distant relative of yours. Based upon information received from you and Ms. Menegazzo, it appears that Ms. Menegazzo's late paternal Great Uncle's wife is the aunt of Ms. Martell's husband's sister; and the brother of Ms. Menegazzo's late paternal Great Uncle's wife's brother is Ms. Martell's aunt's husband. I understand that there is no close family connection between yourself and Ms. Menegazzo, and you are not blood relatives; that you have no business or financial connection with Ms. Menegazzo; that you do not share common family events; and that the relationship between you and Ms. Menegazzo is strictly professional.

Miami-Dade County's Conflict of Interest and Code of Ethics Ordinance, on which this agency is empowered to render binding opinions, does not contain any provision regarding nepotism, i.e., the hiring or promotion of relatives. There is a state statute on nepotism, Section 112.3135, Florida Statutes, which does prohibit the hiring of relatives, but the definition of relative in that statute is limited to "father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter stepbrother, stepsister, half brother or half sister." While this statute is under the jurisdiction of the Florida Commission on Ethics, which is the only agency that may issue authoritative opinions concerning its interpretation, it does appear clear from the description of the familial connection between yourself and Ms. Menegazzo that your relationship with her does not fall within the scope of that statute.

The Miami-Dade County Ethics Code does have a provision regarding Exploitation of Public Position, Section 2-11.1(g), which could apply to a situation where someone uses his or her official position to secure special privileges for himself or herself or others, and that provision could apply to a situation where one provided some special hiring privilege to someone with whom they had a special relationship. However, it is my impression that the hiring as described by you would have no connection to the relationship; was based upon objective qualifications of Ms. Menegazzo; and that no procedure has been avoided or ignored in the process of deciding to hire Ms. Menegazzo.

Accordingly, there is nothing in Miami-Dade Ethics provisions that would prohibit your hiring of Ms. Menegazzo for the position of Assistant Village Manager.

Sincerely,
Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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