

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, January 11, 2012 12:10 PM
To: 'Joanne Carbana'
Cc: Thompson, Cleveland (PERA); Centorino, Joseph (COE)
Subject: Ethics Opinion (INQ 12-07)

Ms. Carbana,

In response to your question about voting on a zoning matter being presented by a homeowner who is part of your homeowners' association, you have no voting conflict as long as you will not be directly affected by the vote *or* as long as you have no relationship with the person appearing before you. *See* the County Code at Sec. 20-45.

You stated that you will not be directly affected by approving or denying the zoning request. The property owner seeking the zoning variance lives several blocks away from you, on the opposite side of the development.

Additionally, although you are an officer in your homeowner's association, you have none of the prohibited relationships with the homeowner personally, *i.e.*, officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor or creditor. The homeowners' association has taken no position on the subject variance.

Consequently, you may vote on this matter being brought before Community Council 5 tomorrow night.

If you have additional questions, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

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From: Joanne Carbana [<mailto:joanne.carbana@feldmangetz.com>]
Sent: Wednesday, January 11, 2012 9:01 AM
To: Frigo, Victoria (COE)
Subject: Ethics Opinion

Good Morning Ms. Frigo - I am a community council member of Community Council 5. We received our Kit for a zoning matter to come before the Council. I noticed that one of the addresses is located in the development where I live. I am also the President/Board Member of the homeowner's association where I reside. I want to know if there is a voting conflict regarding any zoning matter that comes before the Council from any homeowner from the development where I reside. I did not know that a homeowner was submitting a zoning matter, or I would have requested your opinion earlier. I know that I will not be directly affected by approving or denying the zoning request. I would prefer to absent myself from the meeting to avoid an appearance of impropriety, but my presence is necessary to obtain a quorum. Your assistance would be appreciated. Thank you.

Joanne Carbana
Paralegal to John T. Getz



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