

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, June 19, 2012 5:14 PM
To: Frigo, Victoria (COE)
Cc: Murawski, Michael P. (COE); Ramos, Miriam S. (COE)
Subject: INQ - Michael Swerdlow

On June 19, I received a phone call from Attorney John Dellagloria, who represents developer Michael Swerdlow, whose proposed development of Biscayne Landing was recently approved by the City of North Miami. The approval came following an earlier vote in which the City Council voted against the project. Councilwoman Marie Steril had abstained from the first vote following an RQO (12-03) from this office advising against her voting on the matter due to her receipt from Swerdlow during 2011 of a \$5000 contribution made to a non-profit organization that she operates and from which she receives income. Councilwoman Steril did vote in the more recent vote in which the Swerdlow project was approved. She did so after having returned the \$5000 contribution to Swerdlow, which was recommended by this agency prior to any future votes on the Swerdlow project in which she might be participating.

Dellagloria informed that his client, Swerdlow, had just received a solicitation to contribute \$1000 to Steril's non-profit by purchasing a table at an upcoming fundraiser for the group. He said that the solicitation came after the recent vote by Steril to approve the project, however, it did not come directly from Steril, but rather from an individual in the community who was involved in fundraising for the group. According to Dellagloria, his client had not spoken directly to Steril about this latest solicitation, and he (Dellagloria) did not believe that it was coming at Steril's direction. He asked whether his client's contribution of such funds would create a potential violation of the Miami-Dade County Code of Ethics.

I informed Dellagloria that, in view of the recent history involving a questionable contribution by his client to a non-profit agency operated by a Councilwoman whose vote was being sought on a major development in the City; the prior warning of the COE to Councilwoman Steril regarding her acceptance of that contribution; and her casting of a crucial vote in favor of the Swerdlow project shortly before the latest solicitation, that such a contribution could be viewed as a violation of the Ethics Code insofar as it would appear to have been made in consideration of her favorable vote. I suggested that Mr. Swerdlow should refrain from making the contribution in these circumstances. Dellagloria said that he would advise his client accordingly.

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
www.miamidadeethics.com

