

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, September 13, 2013 3:02 PM
To: 'John R. Herin, Jr.'
Cc: Vice-Mayor Rodriguez Aguilera; Councilwoman Fraga (christi.fraga@cityofdoral.com); Councilwoman Rodriguez (anamaria.rodriguez@cityofdoral.com); Councilwoman Ruiz (sandra.ruiz@cityofdoral.com); Joe Carollo (joe.carollo@cityofdoral.com); Albert Childress; Nathan Kogon (PZ); Barbara Herrera (barbara.herrera@cityofdoral.com); Frigo, Victoria (COE); Lebowitz, Lawrence (COE)
Subject: INQ - Doral City Council (The Grand Floridian)
Attachments: RQO - Mayor Luigi Boria (Inv. Report).pdf; RQO - Mayor Luigi Boria 13-08 (Memo).docx

Mr. Herin:

You have requested an opinion from us regarding whether Vice-Mayor Rodriguez-Aguilera, Councilwoman Christi Fraga, Councilwoman Rodriguez, and Councilwoman Ruiz, may have voting conflicts regarding consideration of issues related to The Grand Floridian PUD rezoning application. You have also inquired regarding whether there may be recurring conflict on the part of the Mayor or the aforementioned Councilwomen in connection with same.

This office has extensively investigated the circumstances surrounding the ownership and funding of The Grand Floridian. A copy of the investigative report is attached. This office also received a request from Mayor Boria concerning whether he had any conflicts in connection with this project. At the September 12, 2013 meeting of the Miami-Dade Commission on Ethics, the Commission voted to approve the position taken in the attached memo from Senior Staff Attorney Victoria Frigo. This will result in an opinion letter being sent to the Mayor very shortly, which will adhere to the terms of the memo. In short, the Ethics Commission has opined that Mayor Boria has, and will continue to have, a voting conflict that will prevent him from voting on or otherwise participating in any votes related to this project. A letter of instruction will also be forwarded to the City Manager, advising him to take precautions against any special consideration being given to this project by City staff, based upon the past involvement of the Mayor's family in the ownership of the project.

We have found no prohibited voting conflict or recurring conflict on the part of the other members of the Council. All of them may and should vote on this project, assuming that they, their families, and business associates have no financial connection to the project.

If there are any questions regarding this matter, please contact me at 305-579-2594.

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

From: John R. Herin, Jr. [mailto:John.Herin@gray-robinson.com]
Sent: Monday, August 26, 2013 3:01 PM
To: Centorino, Joseph (COE)
Cc: Vice-Mayor Rodriguez Aguilera; Councilwoman Fraga (christi.fraga@cityofdoral.com); Councilwoman Rodriguez (anamaria.rodriguez@cityofdoral.com); Councilwoman Ruiz (sandra.ruiz@cityofdoral.com); Joe Carollo (joe.carollo@cityofdoral.com); Albert Childress; Nathan Kogon (PZ); Barbara Herrera (barbara.herrera@cityofdoral.com)
Subject: Request for Advisory Opinion

Dear Mr. Centorino – As we recently discussed, in my capacity as the City Attorney for the City of Doral, Florida, I hereby request and advisory opinion on behalf of Vice-Mayor Rodriguez-Aguilera, Councilwoman Christi Fraga, Councilwoman Rodriguez, and Councilwoman Ruiz on the following:

1. Are the existing ethical issues involving the Mayor and the Mayor’s family with regard to the Grand Floridian PUD rezoning application (“Zoning Application”) currently under consideration by the Doral City Council imputed to the aforementioned elected officials? If not, and assuming the Mayor continues to recuse himself from consideration of the Zoning Application, are you aware of any ethical or legal reason why the remaining Councilmembers cannot vote on the item (your attention is directed to Section 2-76.(a) of the Doral Code & Section 286.012, Fla. Stat.)
2. In the event the Zoning Application is approved will City staff’s processing of site plans, building permit applications, etc. present a recurring conflict for the Mayor, Vice Mayor or Councilmembers requiring the recusal of any of the aforementioned individuals?

The Zoning Application is scheduled to come back before the City Council on September 25, 2013, so it is respectfully ask that a response to the this request be provided in advance of that date. Thank you for your attention to this request, and please feel free to call me if you have any questions.

John R. Herin, Jr.

Shareholder

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[ATTORNEYS AT LAW](#)

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