
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, November 18, 2015 8:37 AM
To: Sanchez, Rodzandra (COE)
Subject: Eugene Lemondo, Board Member NW 7th Avenue Corridor CRA, (Voting Conflicts) (See also INQ 15-259)
Attachments: ethical_issues_for_potential_advisory_board_members_8-15.pdf;
votingconflictForm8B.pdf

INQ 15-262 Lemondo

From: Centorino, Joseph (COE)
Sent: Tuesday, November 17, 2015 5:29 PM
To: 'gene@tropicalglassmiami.com'
Cc: Sanchez, Gerald (CAO); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE); Smith, Terrence (CAO)
Subject: INQ 15-262 Eugene Lemondo, Board Member NW 7th Avenue Corridor CRA, (Voting Conflicts) (See also INQ 15-259)

Mr. Lemondo (Gene):

You have inquired regarding a possible voting conflict facing you as a board member for the NW 7th Avenue Corridor Community Redevelopment Area (CRA) in the City of Miami. You have advised that the board will be voting on the award of a \$200,000 grant sought by the Holiday Inn being renovated at 79th Street.

You have advised that you are employed as the General Manager at Tropical Glass & Construction Co., which is located adjacent to the hotel property. You are not an owner of Tropical Glass, but in your capacity as General Manager you are involved in all phases of the business and have represented the business in negotiations conducted with Holiday Inn over an alleyway that separates the business from the hotel. The alleyway is owned by the hotel, but Tropical Glass has had the use and enjoyment of an easement on the alleyway for years. You were involved in the process of negotiating an agreement with Holiday Inn whereby Tropical Glass will continue to have the easement for as long as it is in business. You have indicated that there has been discussion regarding possible future business between Tropical Glass and the Holiday Inn, but that it has been put on hold until the easement agreement is finalized. However, you do anticipate that at some point in the future, Tropical Glass may well have a further business relationship with the hotel regarding window/glass replacement. You have also indicated that, while Tropical Glass itself is not the party seeking the grant in question, the company has supported the project publicly and representations of such support have been brought to the attention of the board.

I have been advised by Assistant County Attorney Terrence Smith that the NW Avenue Corridor CRA is considered a County advisory board subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. Section 2-11.1(v) of the Code has two requirements for there to be a voting conflict for a board member: 1) the board member will be directly affected by the action of the board; and 2) the board member has one of a number enumerated relationships with any person or entity appearing before the board, one of which is "employee."

The fact that the grant will contribute to the successful renovation of the hotel, leading to an improved neighborhood, probable future business for Tropical Glass with an abutting landowner suggests that your company will benefit financially and in other respects from the project's approval. Further, your important position as General Manager for the company and as someone who has dealt directly with the Holiday Inn management on issues of mutual concern would appear to place you in a position where you will be directly affected by the vote since your own interests and that of your company would be enhanced by the approval, together with the ensuing good will and prospects for future

business. Although your company is not the applicant and may not be making a formal appearance before the board, its name and its position on the project have been made public and brought to the attention of the board.

Under the foregoing circumstances, it is my opinion that you satisfy both conditions for a voting conflict under Section 2-11.1(v) of the Code. I advise you to take the necessary steps to recuse yourself by advising the board in advance of the vote of the conflict, leaving the room during the discussion and vote on the award to Holiday Inn, and by filing the necessary form (8B) (see attachment) with the clerk of the board within 15 days of the vote.

Please let me know if you have any further questions.

Sincerely,

Joe

Joseph M. Centorino

Executive Director and General Counsel
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From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, November 17, 2015 2:40 PM
To: 'gene@tropicalglassmiami.com' <gene@tropicalglassmiami.com>
Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>
Subject: Eugene Lemondo, Board Member NW 7th Avenue CRA, (Voting Conflicts) INQ 15-259

Mr. Lemondo:

It was pleasure speaking with you. You advise that you are a newly appointed member to the NW 7th Avenue CRA and you inquired about which section of the County Ethics Code deals with voting conflicts for board members.

Section 2-11.1(v) of the County Ethics Code addresses voting conflicts for board members. It states that no board member:

“... vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves,

and the board member has any of the following relationships with any persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.”

I am also attaching a document recently prepared by the Ethics Commission that delineates potential ethical issue for board members which you may find useful.

Please contact us if you have further questions

Gilma (Mimi) Diaz-Greco

Staff Attorney



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