
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, November 18, 2015 2:19 PM
To: Sanchez, Rodzandra (COE)
Subject: Adrienne Promoff, Chairperson, Miami-Dade County Community Council #2 (Voting Conflict) INQ 15-263

FW: INQ 15-263 Promoff

From: Centorino, Joseph (COE)
Sent: Wednesday, November 18, 2015 2:16 PM
To: 'apromoff@mindspring.com'
Cc: Kerbel, Dennis A. (CAO); Sanchez, Gerald (CAO); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: INQ 15-263 Adrienne Promoff, Chairperson, Miami-Dade County Community Council #2 (Voting Conflict)

Ms. Promoff:

This will confirm our conversation regarding whether there is any prohibited conflict in connection with your voting on a matter coming before your board, Community Council #2, that concerns the application of Presidential Synagogue, Inc., for the creation of a synagogue in a neighborhood over which your board has authority on zoning decisions. You have disclosed that you are an attorney and that a current client of yours on a guardianship and probate matter, Brian Adler, is one of the attorneys at the Bilzin Sumberg law firm who will be appearing before the board on behalf of the synagogue. You have indicated that there is no connection whatsoever between the issue pending before your board and the matter in which you represent Mr. Adler, and that you have no personal interest of any kind in the outcome of the zoning issue. You have also stated that your business relationship with Mr. Adler would in no way affect your ability to be fair and impartial and to exercise your independent judgment in voting on the issue.

I informed you that there are two separate provisions, one in the County Ethics Ordinance, and the other in State Law that should be considered. Under Section 2-11.1(v) a member of a county advisory or quasi-judicial board would have a prohibited conflict if the member would be directly affected by the action AND the member also has a relationship with a person or entity appearing before the board, including officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor. Although you may be considered an employee of your client, Mr. Adler, it is my opinion that you would not be directly affected the upcoming vote under the foregoing circumstances, so I do not find any voting conflict under the County Ethics Code.

Section 286.012, Florida Statutes, which governs voting requirements at meetings of governmental bodies, provides in pertinent part that "If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice." Where you have acknowledged the existence of a professional business relationship with Mr. Adler, but have expressed that the relationship would have no impact on your ability to make a fair and impartial decision free from any potential bias or prejudice, I do not find that you have any duty to abstain from voting on the issue.

However, given that you have raised the issue of the existing attorney/client relationship with an attorney appearing before the board, and because of the importance of conducting yourself with transparency and avoiding any appearance of impropriety, it may be advisable for you to disclose the existence of the relationship publicly prior to voting, although there is no legal requirement that you do so.

Sincerely,

Joseph M. Centorino

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