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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, April 24, 2015 1:15 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Daniel Dietch, Mayor, Town of Surfside (Voting Conflict) INQ 15-74  
**Attachments:** Surfside CC 2-10-2015-4-14-2015.pdf

**Categories:** Red Category

INQ 15-74 Dietch

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**From:** Linda Miller [<mailto:lmiller@townofsurfsidefl.gov>]  
**Sent:** Friday, April 24, 2015 10:55 AM  
**To:** Centorino, Joseph (COE)  
**Subject:** INQ 15-74 Daniel Dietch, Mayor, Town of Surfside (Voting Conflict)

Joe: Thank you for your below response. FYI...I corrected the spelling of the Mayor's last name in the subject line.  
Sincerely,  
Linda

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**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Friday, April 24, 2015 10:42 AM  
**To:** Linda Miller  
**Subject:** INQ 15-74 Daniel Deitch, Mayor, Town of Surfside (Voting Conflict)

Ms. Miller:

As Town Attorney for the Town of Surfside, you have inquired on behalf of Mayor Daniel Dietch regarding whether he has a voting conflict of interest in connection with the Town Commission's anticipated consideration of and vote on a traffic plan of action that would have a direct impact on Byron Avenue, the street where Mayor Dietch lives in the Town of Surfside. The action relates to a plan outlined in the attached correspondence, which seeks to address increased traffic flow on Collins Avenue and Harding Avenue that is causing increased traffic into the nearby residential neighborhood, and, specifically, on Byron Avenue. The plan includes a number of components that would directly affect Byron Avenue and lead to the expenditure of public funds for various changes on Byron Avenue in the vicinity of the 9300 block that would lead to the closing of Byron Avenue and making it a dead end street with vehicular access from the south. The Mayor resides at 9372 Byron Avenue. Byron Avenue is approximately 8 blocks long and has less than 100 houses on it, based on information that you have provided. The entire Town of Surfside is only about 1 square mile. It is likely that any significant redirection of traffic on a given street will have an impact on other streets in the neighborhood and, to some extent, on the entire Town.

This is a fairly close issue due the small size of the Town and the interrelated impacts that virtually any traffic plan of action would have on the entire town. As an elected official, Mayor Deitch or any other elected official on the Town Commission has an obligation to address issues of general concern and impact in the town. There is no suggestion that Mayor Dietch has exercised any disproportionate influence on the development of the proposed changes to Byron Avenue that are under consideration.

Based on the information we have received, I think there may be a voting conflict for Mayor Dietch to be involved in participating and voting on an issue that directly relates to traffic plan changes on the street where he resides. In general, I would analogize this to the voting by a public official on a zoning change that might affect his or her property in a way distinct from most of the community. There are opinions from this office and from the State Commission on Ethics that suggest that where the official involved may be voting on a zoning matter that has a direct impact on a group

of homes or properties, and where the official is part of a class of affected properties and owns more than 1% of the properties subject to the impact, that a voting conflict occurs.

Section 2-11.1(d) of the County Ethics Code is very strict in defining a voting conflict where a voting official "might, directly or indirectly, profit or be enhanced by the action of the Board..." If there is a vote that is specific to changes on Byron Avenue, then I suggest that the Mayor recuse himself from participating in or voting on that issue. On the other hand, if there is discussion or a vote on an overall traffic plan for the Town, of which Byron Avenue is only one aspect, then I think that the voting conflict prohibition would likely not apply.

If you have any further questions about this matter, please feel free to call me.

Sincerely,

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

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**From:** Linda Miller [<mailto:lmiller@townofsurfsidefl.gov>]  
**Sent:** Thursday, April 23, 2015 5:34 PM  
**To:** Centorino, Joseph (COE)  
**Subject:** Surfside Traffic-April 27-2015

Dear Joe,

I request your opinion on the following situation. The Town is experiencing increased traffic on Collins Avenue and Harding Avenue in Surfside. Please see the attached Commission Communications dated February 10, 2015 and April 14, 2015 from the Town Manager, Guillermo Olmedillo and Chief of Police, David Allen regarding a Traffic Plan of Action. Drivers have learned that they can avoid the backup on Collins Avenue and Harding Avenue by travelling west into the residential neighborhood and north and south on Byron Avenue. One proposed action of the traffic plan of action would include that the 9300 block of Byron Avenue will become a dead end street with vehicular access from the south.

On April 14, 2015, the Town Commission voted to hold a special Town meeting to discuss the traffic plan of action. A resident, Dr. Elizabeth Levine stated during public comment that Mayor Daniel Dietch, who lives at 9372 Byron Avenue should recuse himself from voting on the traffic action plan at the special Town meeting which is scheduled for Monday, April 27, 2015 at 6:00 p.m. For reference here is the link for the motion for the special Town meeting at approximately 3:51 of the video. <http://view.earthchannel.com/PlayerController.aspx?&PGD=surfsidefl&eID=189>

Chief David Allen has stated that neither he, nor any representative from the Town, contacted the Mayor or any member of his family to discuss the traffic action plan. Please advise whether in your opinion there is a conflict of interest for the Mayor to participate and vote at the April 27, 2015 Special Town Commission Meeting. I await your reply. Thank you.

Sincerely,

Linda



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