
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 14, 2015 3:58 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Thomas Pepe, City Attorney, City of South Miami (Board conflict) INQ 15-86

INQ 15-86 Pepe

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 14, 2015 3:50 PM
To: 'Pepe, Thomas F.'
Cc: Centorino, Joseph (COE)
Subject: Thomas Pepe, City Attorney, City of South Miami (Board conflict) INQ 15-86

Dear Mr. Pepe:

You inquired whether a conflict of interest would exist for a City of South Miami Planning Board (Planning Board) member to serve on the board at the same time that the firm that employs him, which has been hired by the City to serve in the role of Temporary Planning and Zoning Director, presents matters on behalf of the city in front of the Planning Board.

As background, the City of South Miami has entered into a professional services agreement with Corradino Group, Inc. (CGI), a private engineering, planning, and program management firm. The firm (either Mr. Corradino or another associate of the firm) is serving in the role of the City's Temporary Planning and Zoning Director. The duties of the Temporary Planning and Zoning Director include making staff reports and recommendations to the Planning Board on behalf of the City. CGI will not be representing any of its private clients in front of the Planning Board. This board makes recommendations on plans submitted to it, but final decisions on applications are made by the City Commission. Mr. Basu, serves on the City's Planning Board. He is employed by CGI as an independent contractor/part-time salaried employee and does not have any financial interests in CGI equal or greater than 10%. Furthermore, in his employment with CGI, Mr. Basu does not work on any projects that are associated with the City.

Based on the foregoing, Mr. Basu is not prohibited from serving as a board member of the Planning Board because he does not work on any projects that are associated with the City and he has no financial interests in CGI (City of South Miami Ethics Code at Sec. 8A-1(d)). A financial interest is defined as 10% or more. (City of South Miami Ethics Code at Sec. 8A-1 (b)(8)). The fact that his employer appears before the board does not create a conflict because, in his position as Temporary Planning and Zoning, CGI will appear solely to represent the interests of the City and not any of the interests of his private clients.

Nevertheless, under the City of South Miami Ethics Code at Sec. 8A-1 (f), Mr. Basu must file a sworn statement disclosing his employment and lack of a financial interest with the clerk of the city.

Additionally, under City of South Miami Ethics Code at Sec. 8A-1 (h), he cannot disclose confidential information that he may receive as a result of his board service, and pursuant to City of South Miami Code at Sec. 8A-1 (l)(2), he may not appear before any city agency or board on behalf of CGI or any other third party.

Under the County Code at Sec. 2-11.1 (v), Mr. Basu may not vote on any matters affecting CGI if he would be directly affected by the vote.

Finally, pursuant to the City of South Miami Ethics Code at Sec. 8A-1(i) (which prohibits conflicting employment that would impair a board member's independence of judgment), Mr. Basu should recuse himself from any vote involving his employer where he perceives he would have conflicting loyalties that would impair his independence of judgement.

This opinion is based on the facts presented. If these facts change, please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Friday, April 10, 2015 9:04 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: Conflict Question re Planning Bd Member Basu and Corradino

I want to clarify the question that I asked in an email to you on March 13, 2015.

The City of South Miami has a Planning Board member who was appointment at or about the same time as when the Corradino Group and Mr. Joe Corradino were hired by resolution of the City to act as the City's temporary director of its Planning and Zoning Dep't.

The board member, Mr. Basu, had become associated with the Corradino Group as an Independent Contractor/Part Time Employee at about the time that Mr. Corradino and his group were hired by the City.

Mr. Basu will not be personally associated with any of the work that Mr. Corradino and the Corradino Group do for the City of South Miami. He will only be working for the Corradino Group on projects that are not associated with the City.

Neither Mr. Corradino nor his group, on their own behalf or on behalf of any of their other clients, will be presenting any matters to the Planning Board for the Planning Board's review. However, Mr. Corradino, as the City's Planning and Zoning Director, will be

presenting staff reports and recommendation as to applications of third parties who are not related to, and who are not represented by, him or his group.

Is there any conflict of interest or ethical violation for Mr. Basu, as a Planning Board member who is employed by the Corradino Group, to review matters that are being presented to the Planning Board by Mr. Corradino as the City's Planning and Zoning Director?

Thank you.

Very truly yours,

Thomas F. Pepe

City Attorney
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
Tel: (305) 667-2564
Fax: (305) 341-0584
E-mail: tpepe@southmiamifl.gov

ATTENTION: This e-mail may contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee named above. If you are not the intended receiver, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone, call collect if outside of your area code and delete this e-mail. We will reimburse you for the cost of your long distance call. Thank you. Please also note: All e-mails to and from this e-mail site are kept as a public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time pursuant to Florida Statutes, ch. 119.