
INQ 16-130 Lehtinen

From: Centorino, Joseph (COE)
Sent: Tuesday, May 03, 2016 4:22 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-130 Dexter Lehtinen, Village Attorney, Village of Palmetto Bay (Voting Conflict, Quasi-judicial Proceeding)

Dexter Lehtinen, Esq., Village Attorney for the Village of Palmetto Bay, inquired concerning whether it would be a violation of the County's Ethics Ordinance, Section 2-11.1(d), for a member of the Village Council, who should recuse himself or herself from a decision in a quasi-judicial hearing due to possible bias or prejudice, to not recuse himself or herself and vote on the issue. I informed Mr. Lehtinen that, if the issue involved a voting conflict recognized under Section 2-11.1(d) of the Code, then the COE would have jurisdiction over a violation for failure to recuse oneself. However, under Section 286.012, Florida Statutes, an elected official may recuse himself or herself in a quasi-judicial proceeding "to assure a fair proceeding free from potential bias or prejudice." The standard for recusal under State law in a quasi-judicial setting may not amount to a conflict of interest under County Code or even under the State Voting Conflict Law. The Ethics Commission has no jurisdiction to enforce Section 286.012. Any alleged bias or prejudice of a board member in a quasi-judicial proceedings may lead to a potential civil law suit by an aggrieved party, but cannot lead to enforcement action by the COE, without a concurrent violation of Section 2-11.1(d).

Joseph M. Centorino

Executive Director and General Counsel
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
ethics.miamidade.gov

