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INQ 16-152 Seiden

**From:** Centorino, Joseph (COE)

**Sent:** Thursday, June 09, 2016 2:18 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 16-152 Jan Seiden, City Attorney, City of Miami Springs (Voting Conflict, Quasi-judicial board)

Jan Seiden, City Attorney for the City of Miami Springs, inquired concerning whether a member of the City's Board of Adjustment, a quasi-judicial board, would be required to absent himself or herself from a meeting during the discussion and vote on an issue on which the member had a conflict of interest. There was no question that the issue involved a voting conflict under Section 2-11.1(v) of the County Ethics Code, since it is a matter in which the member has a personal business involvement. Mr. Seiden noted that, while Section 2-11.1(d) of the Code, which covers voting conflicts by elected officials, does require that a board member having a voting conflict absent himself or herself from the meeting during the vote and discussion on the item, that requirement is not present in Section 2-11.1(v) involving voting conflicts by members of advisory or quasi-judicial boards.

I advised Mr. Seiden that, although Section (v) does not explicitly require the member to absent himself or herself from the meeting during the discussion and vote, it has been the practice of this Commission to advise such individuals to follow the same procedures that are required to be followed under Section (d) of the Code and to leave the room when the matter is being considered. See, e.g., INQ 16-97.

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