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INQ 16-181 Tisdol

**From:** Turay, Radia (COE)

**Sent:** Monday, July 11, 2016 2:38 PM

**To:** 'matthew.tisdol@gmail.com' <matthew.tisdol@gmail.com>

**Cc:** Sanchez, Gerald (CAO) <gks@miamidade.gov>; Kirtley, Eddie (CAO) <kirtley@miamidade.gov>; Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

**Subject:** INQ 16-181, Matthew Tisdol

Dear Mr. Tisdol,

You submitted an inquiry regarding whether you can sit on a Commission on Human Rights hearing panel that will determine damages on behalf of a complaint that won an appeal in front of a three person panel at the Commission on Human Rights. The basic facts that you have presented thus far are as follows:

- You are an employee of HOPE Fair Housing Center (HOPE)
- In October of 2013, a person contacted HOPE with a housing complaint
- You, as an employee of HOPE, referred the matter to the Commission on Human Rights
- In May of 2015, you were appointed to the Commission on Human Rights
- In February 2016, in your capacity as a member of the Commission on Human Rights, you sat on a three person appeals panel for the housing complaint that you referred to the Commission on Human Rights in October of 2013
- At the time of the appeals hearing, you did not know that the case was referred by HOPE
- You also did not know that you were the employee from HOPE that referred the case to the Commission on Human Rights at the time of the appeals hearing
- No HOPE employee represented any of the parties involved in the hearing, nor did any HOPE employee appear in front of the panel during the subject hearing
- At the conclusion of the appeals hearing, the three person panel voted unanimously in favor of the charging party
- You have since been informed that the case was referred to the Commission on Human Rights by HOPE, and that you happen to be the employee from HOPE that referred the case.

Section 2.11.1(v) provides that a board member may vote on a matter unless he is “directly affected by the action of the board on which the member sits and the board member has any of the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, or counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bond holder, debtor or creditor.”

In order to have a conflict, the board member must benefit financially from the decision (directly affected) as well as serve as an officer of the entity that is seeking board action. Accordingly, you as a board member on the Commission on Human Rights, are not prohibited under the Ethics Code, from voting and/or determining damages on a particular action unless you will financially benefit from the decision, or you have one of the above

listed relationship with any of the persons or entities appearing before the board, which you have indicated does not exist in this case.

Please note however, that in instances such as this, where the county board is a quasi-judicial board, a board member may abstain from voting under **Sec. 286.012, Florida Statutes**, which provides in 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 a matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.” *See also* INQ 15-248 attached.

Further, please contact the Miami-Dade County Attorney’s office regarding whether any conflict of interest exists under Chapter 11A of the Miami-Dade County Code.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Radia Turay  
Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

**From:** Matthew Tisdol [<mailto:matthew.tisdol@gmail.com>]  
**Sent:** Wednesday, July 06, 2016 11:52 AM  
**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Cc:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** Re: Opinion: Commission on Human Rights

Thank you

On Wednesday, July 6, 2016, Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)> wrote:

Mr. Tisdol,

This matter has been referred to Radia Turay, a Staff Attorney at the Ethics Commission, who should be in touch with you shortly.

*Joseph M. Centorino*

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

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**From:** Matthew Tisdol [mailto:[matthew.tisdol@gmail.com](mailto:matthew.tisdol@gmail.com)]

**Sent:** Thursday, June 30, 2016 9:59 AM

**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>

**Subject:** Fwd: Opinion: Commission on Human Rights

Hello, I sent this to the commission on ethics. I wanted to know if there was a timeline on the response.

Thank you,

M. Tisdol

----- Forwarded message -----

**From:** **Matthew Tisdol** <[matthew.tisdol@gmail.com](mailto:matthew.tisdol@gmail.com)>

**Date:** Tuesday, June 14, 2016

**Subject:** Opinion: Commission on Human Rights

**To:** [ethics@miamidade.gov](mailto:ethics@miamidade.gov)

Good morning:

I am writing to request a written opinion related to a matter that came before the Commission on Human Rights. I am an employee with HOPE Fair Housing Center and I began working there in September of 2012. I am an investigator that serves the Miami-Dade area. A person contacted our office in October of 2013 with a

housing complaint. I do not recall the details of her complaint and I did not take any notes or information related to the case. I referred the complainant to the Commission on Human Rights. In May of 2015, I was appointed to the Commission on Human Rights by Commissioner Barbara Jordan. In February 2016, the complainant that I referred to the commission, had an appeal hearing for which I sat in on. The appeals board ruled unanimously in favor of the charging party and I was told before the hearing to determine damages, that I need to get a written opinion from the Commission on Ethics regarding the matter. I can be reached by email or phone (305) 586-6877.

Thank you,

Matthew Tisdol