

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 17, 2016 3:39 PM
To: Sanchez, Rodzandra (COE)
Subject: Eve Boutsis, Deputy City Attorney, City of Miami Beach (Voting Conflict, Quasi-judicial board, Section 2-11.1(v))

[INQ 16-256 Boutsis](#)

From: Boutsis, Eve [<mailto:EveBoutsis@miamibeachfl.gov>]
Sent: Thursday, November 17, 2016 2:53 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: INQ 16-256 Eve Boutsis, Deputy City Attorney, City of Miami Beach (Voting Conflict, Quasi-judicial board, Section 2-11.1(v))

Thank you Joe.

I have issued an email to all the members and am confirming that (v) does not apply.

MIAMIBEACH

Eve A. Boutsis, *Chief Deputy City Attorney*

OFFICE OF THE CITY ATTORNEY
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7470 Ext 6471 / Fax # 305-673-7002

www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]
Sent: Thursday, November 17, 2016 2:51 PM
To: Boutsis, Eve
Cc: Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 16-256 Eve Boutsis, Deputy City Attorney, City of Miami Beach (Voting Conflict, Quasi-judicial board, Section 2-11.1(v))

Eve:

You have inquired in your capacity as Deputy City Attorney for the City of Miami Beach, whether three members of the City's Planning Board would have a voting conflict of interest in voting on or otherwise participating in a quasi-judicial item affecting a private club of which they are members. The club is situated on a property that includes a hotel. There is an item coming before the board involving demolition and improvements in connection with a modification of plans

for a restaurant that was constructed previously on the club premises without proper permitting. You have indicated that you believe the association of the members with the private club involves only their own private memberships, and that they are not officers or directors of the club. Other than the benefit to the club of gaining approval of this item, they do not stand to receive any personal financial benefit or other enhancement from the vote.

Section 2-11.1(v) of the County Ethics Code applies to advisory and quasi-judicial boards. There is a two-part test to determine whether a board member has a voting conflict: 1) the member must be directly affected by the action of the board; 2) the board member must have one of the following relationships with the person or entity appearing before the board: (i) officer, director, partner, of counsel, consultant, employee fiduciary, beneficiary or (ii) stockholder, bondholder, debtor or creditor. The members of the board arguably have a direct benefit where, as members of a private club, they have privileged access to a restaurant on the premises of the club which is the subject of the vote. However, it does not appear that any one of them has a relationship with the club that fits any of the listed ones in the latter code provision. You have agreed to confirm this. If none of them has any such relationship, then there is no prohibited voting conflict under Section 2-11.1(v).

In the event that any of the members should feel, as a member of the private club, that he or she would be biased or prejudiced in any way in participating in this item, then he or she should consider abstaining pursuant to Section 286.012, Florida Statutes.

Sincerely,
Joe Centorino

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

