

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, December 19, 2016 2:37 PM
To: Sanchez, Rodzandra (COE)
Subject: Jean Olin, Esq., Special Counsel, City of Miami Beach (Voting Conflict) INQ 16-281

INQ 16-281 Olin

-----Original Message-----

From: jean olin [mailto:jeanolin.munilaw@gmail.com]
Sent: Friday, December 16, 2016 5:45 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 16-281 Jean Olin, Esq., Special Counsel, City of Miami Beach (Voting Conflict)

Thank you Joe for below.

To be clear, the subject Contributor was not a vendor when the campaign contributions were made, and CMB Code sec. 2-487 does not prohibit non-vendors from contributing to campaigns. The Code does however state that if a non-vendor made a campaign contribution to a candidate for CMB office, then he/she is prohibited from serving as a City vendor for a period of 12 months from the date in which the donee/elected official is sworn into office—it is this prohibition that would be the subject of a waiver vote (again, per section 2-487).

Thank you for confirming that the incumbent Commission member/donees do not have a voting conflict re: the waiver issue.

Jean

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> On Dec 16, 2016, at 5:26 PM, Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov> wrote:

>

> Dear Jean:

>

> This will serve to memorialize our conversation earlier today, in which you inquired whether a City of Miami Beach Commissioner would have a voting conflict in voting to waive the provision under a Miami Beach ordinance preventing a campaign contributor to a City Commissioner from becoming a vendor in the City for a period of 12 months. The ordinance generally prevents City vendors from contributing to the campaigns of sitting Commissioners and provides for the 12-month period between the date of a contribution and swearing in of a Commissioner receiving the contribution during which the contributor may not be a City vendor, unless that provision is waived by the City Commission. The particular issue raised by you is whether the voting conflict provision in Section 2-11.1(d) of the County Ethics ordinance would create a voting conflict for a Commissioner who received such a contribution, preventing that Commissioner from voting on the waiver.

>

> I opined to you that such a Commissioner would not have a voting conflict where that Commissioner did not have one of the enumerated relationships cited under Section 2-11.1(d) and did not stand to profit or be enhanced, directly or

indirectly, by the issue in question. Under these circumstances, since there is generally no voting conflict preventing an elected official from voting on a matter affecting a campaign contributor, there is no reason to find one here. It is my opinion that such a Commissioner may participate and vote on the waiver.

>

> 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

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