
INQ 16-31 Weiss

From: Centorino, Joseph (COE)
Sent: Tuesday, February 02, 2016 4:43 PM
To: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-31 Richard Weiss, Esq. Weiss Serota Helfman Cole & Bierman (Voting Conflict)

Attorney Richard Weiss, of Weiss Serota Helfman Cole & Bierman, inquired regarding whether a councilperson in a municipality he represents would have to recuse himself or herself from voting in a quasi-judicial voting matter, where the councilperson may have indicated through comments or emails a prejudgment on the issue, and where the alleged prejudice is the subject of a complaint by a litigant. I informed Mr. Weiss that if there is no prohibited relationship between the councilperson and a party, and no profit or enhancement personally to the councilperson, there is no voting conflict of interest presented under such circumstances under Section 2-11.1(d) of the County Ethics Code or under the State Ethics Code in Chapter 112, Florida Statutes. Under Section 286.012, Florida Statutes, the councilperson may recuse himself or herself if that individual believes it necessary to assure a fair proceeding free from potential bias or prejudice. However, that judgment is a subjective one for the councilperson and not imposed pursuant to any Ethics Code requirement. Any potential issue or cause of action related to such prejudice does not raise any issue under the County Ethics Code, but could be the subject of legal action between a litigant and the municipality. I suggested that he advise his client accordingly.

Joseph M. Centorino

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