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INQ 16-41 Bravo

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

**Sent:** Wednesday, February 10, 2016 3:38 PM

**To:** Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

**Subject:** INQ 16-41 Lorena Bravo, City Attorney, City of Hialeah (Voting Conflict)

Lorena Bravo, City Attorney for the City of Hialeah, inquired regarding whether a member of the City's Planning and Zoning Board could vote on or participate in an application coming before the board involving the Councilmember who appointed the member to the P& Z Board. I informed Ms. Bravo that the fact of the appointment by the applicant, by itself, would not amount to a conflict under Section 2-11.1(v) of the Ethics Code, where the board member would not be directly affected by the vote and did not have one of the specified relationships—officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor—with the applicant. However, in these circumstances, there is a strong likelihood that the board member's judgement would be influenced by the fact that the applicant appointed the member to the board. The P& Z Board's hearings are considered quasi-judicial. Under these circumstances, Section 286.012, permitting a board member in a quasi-judicial hearing to recuse himself or herself from a matter "if the absence is to assure a fair proceeding free from potential bias or prejudice" would be applicable. Additionally, such a situation would involve a clear appearance of impropriety. I suggested the Ms. Bravo that she speak with the board member about abstaining from the matter in light of the relationship with the Councilmember.

*Joseph M. Centorino*

Executive Director and General Counsel

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