
INQ 16-58 Lievano Cruz

From: Perez, Martha D. (COE)

Sent: Thursday, February 25, 2016 2:42 PM

To: Lievano Cruz, Maria <Maria.LievanoCruz@feci.com>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: Maria Lievano Cruz, City of Miami PZAB, Conflict of interest, INQ 16-58

Dear Ms. Lievano Cruz,

I had not seen your request until this morning, but I will be glad to assist you. You inquire whether you may serve simultaneously as a member of the City of Miami Planning & Zoning Board (PZAB) and a member of the Board of Directors of the Miami Roads Association. You also inquire whether, as a member of PZAB, you would be in a position to vote on matters affecting the Miami Roads (Neighborhood) Association.

By way of background, you currently serve on the City of Miami's PZAB. The PZAB is a quasi-judicial board which advises and makes recommendations to the City Commission in all phases of the City's comprehensive planning program; acts as a local planning agency; and, makes recommendations on variance applications. See Section 62-25, City of Miami Code. You are presently an active member of the Miami Roads Association (MRA). You are considering running for the Board of Directors of MRA. As a member of PZAB, you may be faced with zoning applications and/or development projects which impact or affect your neighborhood association.

There is nothing in the County Ethics Code or the City of Miami Code which prohibits a member of a neighborhood association from serving in an advisory or quasi-judicial board. However, under the County Ethics Code, at Section 2-11.1(v), a member of an advisory or quasi-judicial board would have a prohibited conflict of interest if he/she would be *directly affected* by the board action **AND** he/she has a relationship with the entity appearing before the board, including *officer*, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor. See Section 2-11.1(v), County Ethics Code. Consequently, where you are an *officer* of the board of directors of a neighborhood association that is appearing before PZAB, you satisfy the second prong of this standard. Whether you would be *directly affected* by the issue before PZAB will depend on the nature of the issue. See RQO 10-20; RQO 09-135; RQO 06-52.

Consequently, in order for this office to provide an opinion on whether you would have a conflict of interest on a **specific** matter, you must provide us with **specific** facts regarding your possible voting conflict since such a determination is made on a case-by-case basis.

I refer you to INQ 16-29 (which I emailed you on Monday) for additional County and City provisions pertaining to service on County or municipal boards. This opinion is based on the facts as presented. If and when the facts change, please contact us.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Lievano Cruz, Maria [<mailto:Maria.LievanoCruz@feci.com>]
Sent: Wednesday, February 24, 2016 3:16 PM
To: Perez, Martha D. (COE)
Subject: FW: opinion

Hi. I sent the email below on Monday and I am concerned because I have not received a response or a confirmation of receipt. Do you know if your office received it? We have a meeting tonight.

Maria Lievano Cruz | Florida East Coast Industries, LLC
305.520.2085 | Maria.LievanoCruz@feci.com | www.feci.com

From: Lievano Cruz, Maria
Sent: Monday, February 22, 2016 4:58 PM
To: 'ethics@miamidade.gov' <ethics@miamidade.gov>
Subject: opinion

Good afternoon.

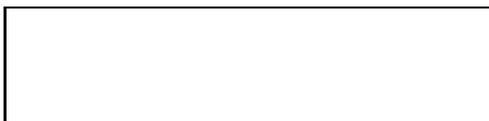
I currently serve as a member of the City of Miami's Planning Zoning and Appeals Board. I am also an active member of the Miami Roads Association. The Miami Roads Association is a neighborhood association governed under Florida Statute Chapter 617. This week our association will be electing new members to serve on the Board of directors for the Roads Association. I am interested in running for a position on the Board of Directors for the Roads association. Based on this, I would like to request on opinion on the following:

- 1) Can I serve on both the PZAB and as member of the Board of Directors of the Roads Association?
- 2) As a member of the PZAB, can I vote on applications that impact the Roads neighborhood?
- 3) If I am selected to serve on the Board of Directors for the Roads Association will I be able to vote on applications affecting the Roads area?
- 4) As a member of the Board of Directors and a member of the PZAB, will I be able to review potential development projects affecting the Roads neighborhood that are likely to come before the PZAB?

Thank you for taking the time to review my request. I look forward to hearing from you soon.

Maria Lievano Cruz, Esq.
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