
INQ 16-77 Sanz

From: Centorino, Joseph (COE)
Sent: Thursday, March 10, 2016 3:11 PM
To: 'Robert Meyers' <RMeyers@wsh-law.com>
Cc: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Richard Jay Weiss (RWeiss@wsh-law.com) <RWeiss@wsh-law.com>
Subject: INQ 16-77 Jaime Sanz, Councilmember, Village of Bal Harbour (Voting Conflict)

Robert:

You have inquired on behalf of Jaime Sanz, a member of the Village Council for the Village of Bal Harbour, regarding whether he has a voting conflict of interest under Section 2-11.1(d) of the County Code, on an upcoming vote to determine whether Church By The Sea may be granted a conditional use permit to be located at the Village Shops in Bal Harbour during the time that its facility is being rebuilt at a new location. The Church's facility was demolished and acquired by the Village of Bal Harbour, and it is now seeking to relocate temporarily on the third floor of the Bal Harbour Shops, where the Shops' corporate offices are located. In the event that the rezoning is approved, the Church would be permitted to enter into a lease agreement with the owners of the Bal Harbour Shops.

This opinion is sought as a result of Councilman Sanz's position as manager of the Fancy Dress Department at Neiman Marcus, which is a tenant store at the Shops. Mr. Sanz has been previously advised in RQO 15-04 that he may not vote on a proposed rezoning of the Shops, due to the fact that his employer would be significantly affected by the rezoning.

It is understood that Councilman Sanz is not personally affiliated with Church By The Sea; that he has no financial or personal stake in the outcome of this upcoming vote; that his employer, Neiman Marcus, has no interest or stake in the outcome of this upcoming vote and would not be affected by the vote; and that he has no personal financial or business relationship with the owners of Bal Harbour Shops.

Under these circumstances, I do not find that Councilman Sanz has a relationship with an entity affected by the vote that would automatically disqualify him under Section 2-11.1(d). Further, it does not appear likely that there would be any personal impact on him or his employer, such that he could profit or be enhanced, directly or indirectly, by the vote.

Accordingly, it is my opinion that he may vote on the conditional use permit for Church By The Sea.

Sincerely,

Joe

Joseph M. Centorino
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