

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, July 31, 2017 3:51 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Fw: Sarah Cody, Historic Preservation Chief Miami-Dade County Office of Historic Preservation (Conflict of Interest) INQ 17-186

INQ 17-186 Cody

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, July 31, 2017 3:49 PM  
**To:** Cody, Sarah (RER)  
**Cc:** Centorino, Joseph (COE); Murawski, Michael P. (COE); Kirtley, Eddie (CAO); Perez, Martha D. (COE); Turay, Radia (COE)  
**Subject:** Re: Sarah Cody, Historic Preservation Chief Miami-Dade County Office of Historic Preservation (Conflict of Interest) INQ 17-186

Dear Ms. Cody:

It was a pleasure to speak with you over the phone. You have inquired whether a prohibited conflict of interest would exist for you to submit Ad Valorem Tax exemption paperwork for approval by the County Commission for the corporate owner of a Hotel that employs your husband.

### Background

You advise that you were promoted to the position of Historic Preservation Chief in early July of this year. Part of the function of the Chief includes the administration of the County's Ad Valorem Tax Exemption program. This program is for historically designated properties that have undergone a renovation project. The procedure for this program is defined in the County's Historic Preservation Ordinance, Miami-Dade Code Chapter 16A. The process for the Ad Valorem Tax Exemption program is that a property owner submits Part 1 of the application prior to the start of the project and then submits Part 2 after the work is completed. The application is reviewed by the Historic Preservation Chief, and it is presented at a public hearing in front of the County Historic Preservation Board. At that hearing, the Historic Preservation Chief makes a recommendation to the Historic Preservation Board advising whether the board should forward the application on to the Board of County Commissioners with a recommendations of approval or denial of the request for tax abatement. If approval is recommended by the Historic Preservation Board, the application is then placed on a County Committee agenda, and if it is approved at the committee level, it is then forwarded on to the full Board of County Commissioners ("BCC") for final approval.

The County Office of Historic Preservation currently has an application from Googie Enterprises LLC ("Googie"), which is the owner of the Vagabond Hotel ("Vagabond"). Googie followed the procedure outlined in the Code, and their public hearing was held in front of the Historic Preservation Board on August 19, 2015. At that hearing, the **previous** Historic Preservation Chief recommended to the Historic Preservation Board that

the board forward the application on to the Board of County Commissioners with a recommendation to approve the request for tax abatement.

Your inquiry arises because your spouse is a salaried employee of the Vagabond hotel employed as the Front Desk Supervisor. As a salaried employee, he would not stand to obtain personal gain from either approval or denial of the hotel's Ad Valorem Tax Exemption Application.

The current status of Googie's application is that it will be placed on a County Commission Committee agenda. If approved by that Committee, the application will then be placed on a BCC agenda for a final vote. As the **current** Historic Preservation Chief, your responsibilities regarding Googie's application would be limited to ministerial duties. You inform us that you would not be required to make any further recommendations regarding Googie's application to the Historic Preservation Board because this company's application is complete.

### Legal Analysis

Based on the facts presented above, we do not find that the County Ethics Code prohibits your submitting Googie's application for final approval. Given that neither you nor your husband would stand to benefit personally from the approval of Googie's application for tax exemption; that your role would be limited to an administrative role ( gathering the paperwork required for the agenda packet, routing it to the individuals in the RER Department who must review the item before it is placed on an agenda, and routing a final covenant for the Mayor's signature once it gains final approval); and that you will not be making any recommendations on Googie's application, you are permitted to submit Googie's application without violating the County Ethics Code. See Miami-Dade Code 2-11.1(g).

This opinion is based on the facts presented. If these facts change, please contact us.

Cordially,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** Cody, Sarah (RER)  
**Sent:** Friday, July 28, 2017 4:16 PM  
**To:** Diaz-Greco, Gilma M. (COE)

**Cc:** Kirtley, Eddie (CAO)

**Subject:** RE: Opinion Requested - Historic Preservation Tax Exemption

Good afternoon, Ms. Diaz-Greco,  
Thank you for the response.

With regard to your questions:

1. The previous Historic Preservation Chief recommended to the Historic Preservation Board that they forward the application on to the Board of County Commissioners with a recommendation to approve the request for tax abatement.
2. The next step is for the current application is for it to be placed on a County Commission Committee agenda, and if approved, subsequently be placed on a BCC agenda. My role would be purely administrative – to gather the paperwork required for the agenda packet, and route it to the individuals in the RER Department who must review the item before it is placed on an agenda. Once it gains final approval, I would be responsible for routing a final covenant for the Mayor’s signature, and getting the covenant recorded.
3. No, the role of the Historic Preservation Board in this application is complete, and there is no need for me to make any recommendations.

I hope that helps clarify. Please feel free to call me, or Assistant County Attorney Eddie Kirtley for any clarifications on the process.

Thanks,

**Sarah K. Cody**

**Historic Preservation Chief**

**Miami-Dade County Office of Historic Preservation**

**(305) 375-4958 (office)**

**(305) 375-4438 (direct)**

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**From:** Diaz-Greco, Gilma M. (COE)

**Sent:** Friday, July 28, 2017 3:57 PM

**To:** Cody, Sarah (RER) <Sarah.CodyAdelman@miamidade.gov>

**Subject:** RE: Opinion Requested - Historic Preservation Tax Exemption

Good afternoon Ms. Cody:

I am working on the response to your inquiry- it has been an extraordinarily busy week, so it’s taking a bit of time.

I have a few questions with respect to this matter :

- 1- What was the previous chief’s recommendation with respect to Googie Enterprise’s application for Ad Valorem Tax Exemption application ?
- 2- What is the status of Googie’s current application and what exactly would be your administrative duties with respect to the application?
- 3- As current Historic Preservation Chief, would you be called upon to make any recommendations to the Historic Preservation Board regarding Googie’s application now or prior to the completion of the Ad Valorem Tax Exemption determination?

Please advise and thanks,

**Gilma (Mimi) Diaz-Greco**  
**Staff Attorney**



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**From:** Cody, Sarah (RER)

**Sent:** Monday, July 24, 2017 11:00 AM

**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>

**Cc:** Kirtley, Eddie (CAO) <[Eddie.Kirtley@miamidade.gov](mailto:Eddie.Kirtley@miamidade.gov)>

**Subject:** Opinion Requested - Historic Preservation Tax Exemption

Good morning, Ms. Diaz-Greco,

Thank you for taking the time to speak with me this morning. My name is Sarah Cody, and I was promoted to the position of Historic Preservation Chief earlier this month. Eddie Kirtley is the Assistant County Attorney who sits with the County Historic Preservation Board, and he advised me to seek an opinion on whether or not I have a conflict with regard to an item that will be heard by a County Commission Committee and eventually by the full Board of County Commissioners.

Part of my function as the Chief includes the administration of the County's Ad Valorem Tax Exemption program. This program is specifically for historically designated properties that have undergone a renovation project. The procedure for this program is defined in the County Historic Preservation Ordinance, Chapter 16A of the County Code. The general process for this program is that a property owner submits Part 1 of the application prior to the start of their project and then submits Part 2 after the work is completed. The application is then reviewed by the Historic Preservation Chief, and it is presented at a public hearing in front of the County Historic Preservation Board. At this hearing, the Historic Preservation Chief makes a recommendation as to whether the County Historic Preservation Board should forward the application on to the Board of County Commissioners with a recommendation to either approve or deny the request for tax abatement. If approval is recommended by the Historic Preservation Board, the application then gets placed on a County Committee agenda, and if it is approved at the committee level, it is then forwarded on to the full Board of County Commissioners for final approval. It is important to note that once forwarded to the County Committee and full Board of County Commissioners, staff does not make a recommendation on the item. Rather, the recommendation previously provided by the County Historic Preservation Board is included with the agenda item.

The County Office of Historic Preservation currently has an application from Googie Enterprises LLC, the owner of the Vagabond Hotel, 7301 Biscayne Boulevard, Miami. This applicant has followed the procedure outlined in the Code, as any application would follow, and their public hearing was held in front of the Historic Preservation Board on August 19, 2015. It should be noted that at the time of this hearing, the former Historic Preservation Chief still held the position, and she made the recommendation to the Historic Preservation Board that they forward the application on to the Board of County Commissioners with a recommendation to approve the request for tax abatement.

I am currently processing a number of pending Ad Valorem Tax Exemption applications. The application related to the Vagabond Hotel is one such application, and I am processing it exactly as I would any other application. My role in the process now is entirely administrative. I am processing the paperwork to have the item reviewed internally by the

Department, and placed on the September Committee agenda, and then, if approved, placed on the October Board of County Commissioners agenda. When the item goes to committee and then full BCC, it does not come with a recommendation from staff, rather the recommendation provided by the County Historic Preservation Board on August 19, 2015 is provided to the Commissioners.

The reason I am seeking an opinion is because my spouse is the Front Desk Supervisor of the Vagabond Hotel. He is a salaried employee and does not stand to obtain personal gain from the either approval or denial of the hotel's Ad Valorem Tax Exemption Application. As the County Historic Preservation Chief, I do not stand to obtain personal gain from the approval or denial of the hotel's Ad Valorem Tax Exemption Application.

I appreciate your review of this issue, and look forward to hearing a response. If you have any questions about the process as it relates to the County Code, please feel free to contact Eddie Kirtley, 305-375-2066, [eddie.kirtley@miamidade.gov](mailto:eddie.kirtley@miamidade.gov).

Thank you,

**Sarah K. Cody**

**Historic Preservation Chief**

**Miami-Dade County Office of Historic Preservation**

**Regulatory and Economic Resources Department (RER)**

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