

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, October 11, 2017 3:32 PM
To: Sanchez, Rodzandra (COE)
Subject: William Tudor, Commissioner, Village of Biscayne Park (Voting Conflict) INQ 17-242
Attachments: 10-03-17.pdf; 2015 Off-street parking ordinance.pdf; votingconflictForm8B.pdf

INQ 17-242 Tudor

From: Centorino, Joseph (COE)
Sent: Wednesday, October 11, 2017 3:19 PM
To: wtudor@biscayneparkfl.gov
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-242 William Tudor, Commissioner, Village of Biscayne Park (Voting Conflict)

Commissioner Tudor:

You inquired regarding whether you would have a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code if you were to vote on a proposed ordinance concerning driveways in the Village that would include a provision permitting an exemption from the requirement of installing a driveway for those homeowners who currently have developed surface on their swales, in which case those homeowners would not need to comply with the requirement until at least half of the swale required repair. You indicated to me that the exemption would apply to only 12 out of the Village's approximately 1300 homeowners, and that you are one of the 12 homeowners to whom this exemption would apply.

The County Ethics Code provision in Section 2-11.1(d) includes a broad restriction creating a voting conflict for an elected official whose board is considering an issue in which the official "might, directly or indirectly, profit or be enhanced by the action of the Board." This has been interpreted by the Ethics Commission to apply where there is a "reasonable possibility" that such profit or enhancement would occur. See RQO 15-04. In situations involving property ownership by an official, the staff opinions have found a conflict where the property interest of the official is included among a small group of property owners rather than a substantial number in the affected area. See INQ 12-144. Inasmuch as you are one of only 12 property owners who would get the benefit of such an exemption, it is my opinion that you would have a voting conflict of interest participating in or voting on this matter when it comes before the Village Commission because there is a reasonable possibility that you would profit or be enhanced by having the benefit of such an exemption.

Accordingly, I am advising you that you should not participate in either the discussion or vote on this matter. Section 2-11.1(d) requires that you do the following: 1) Announce publicly the nature of the conflict prior the matter being considered by the Commission; 2) Absent yourself from the Commission Chamber during the discussion and vote on the issue; 3) File State Form 8B (attached) with the Clerk within 15 days of the vote.

I appreciate your bringing this to our attention so that we could properly advise you and help you to avoid a conflict of interest.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: William Tudor [<mailto:wtudor@biscayneparkfl.gov>]
Sent: Wednesday, October 11, 2017 1:48 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Re: earlier phone conversation

Mr. Centorino,

I wanted to take a moment to thank you for taking my call earlier. In regards to our earlier conversation, I wanted to provide you with the proposed ordinance language that the Commission is working on (see doc "10-03-17") and the current ordinance that was approved in 2015 (see doc "2015 Off-street parking ordinance"). I just wanted to be clear that the swale exemption is historical and only a small portion of the overall driveway ordinance currently being worked on.

Sincerely,

William Tudor | Commissioner
Village of Biscayne Park
640 NE 114th St.
Biscayne Park, FL 33161
(305) 899-8000