

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, November 02, 2017 9:15 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Miriam Ramos, Esq., Deputy City Attorney, City of Coral Gables (voting Conflicts, Sections 2-11.1 (d) and (v)) INQ 17-250

INQ 17-250 Soler Ramos

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**From:** Ramos, Miriam [mailto:mramos@coralgables.com]  
**Sent:** Wednesday, November 01, 2017 6:24 PM  
**To:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.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:** RE: INQ 17-250 Miriam Ramos, Esq., Deputy City Attorney, City of Coral Gables (voting Conflicts, Sections 2-11.1 (d) and (v))

Joe,

I have always applied subsection (d) to votes taken while elected officials sit in a quasi-judicial capacity as well as a legislative capacity. For this reason, the language in the INQ provoked the question in my mind. I understand the distinction in light of subsection (v).

Thank you for your prompt response.

Best,

*Miriam Soler Ramos, Esq., B.C.S.*  
Deputy City Attorney & City Prosecutor  
*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
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**From:** Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]

**Sent:** Tuesday, October 31, 2017 1:27 PM

**To:** Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>

**Cc:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>; Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>; Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>

**Subject:** INQ 17-250 Miriam Ramos, Esq., Deputy City Attorney, City of Coral Gables (voting Conflicts, Sections 2-11.1 (d) and (v))

Miriam:

I read RQO 00-28, which involves a member of a municipal Fire Prevention and Safety Appeals Board, as applying to boards that sit in a quasi-judicial capacity, but which do not involve members of an elected governing body. Section 2-11.1(v) of the Code applies to members of local quasi-judicial and advisory boards, and provides a less strict voting conflict standard than does Section 2-11.1(d), which applies to local governing bodies.

This agency, since I have been here, has consistently applied Section 2-11.1(d) to governing bodies, such as a City/Village Commission, regardless of whether it is sitting in a legislative or quasi-judicial capacity. Section 2-11.1 (d) makes no exception for such boards during quasi-judicial hearings, and, in my opinion it would make no sense to apply a different voting conflict standard to governing bodies in such hearings. It would also be illogical to provide any lesser standard to voting conflicts than that which is legally required of elected officials, given that it is generally accepted that there are heightened legal standards that apply to such hearings, e.g., *Jennings* rule, and that there is an explicit provision in State law, Section 286.012, Florida Statutes, that permits local officials to recuse themselves to assure a fair hearing free from prejudice in quasi-judicial hearings, even when there is no legally-based voting conflict.

I hope this helps.

Regards,  
Joe

*Joseph M. Centorino*

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**From:** Ramos, Miriam [<mailto:mramos@coralgables.com>]  
**Sent:** Tuesday, October 31, 2017 12:51 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** Sec. 2-11.1(d) and quasi-judicial items

Hello Joe,

I hope this email finds you well. I was doing some research on the COE webpage and came across RQO 00-28 [http://ethics.miamidade.gov/library/Opinions/2000/rqo\\_00-28\\_cohen.pdf](http://ethics.miamidade.gov/library/Opinions/2000/rqo_00-28_cohen.pdf) which states that subsection (d) does not apply to members of quasi-judicial bodies. I do not find an opinion that overturned this one and do not remember coming across this issue during my time at the COE. I am curious as to whether you would apply this holding to a City/Village Commission when it sits in a quasi-judicial capacity.

Please let me know your thoughts when you are able.

Thank you,

*Miriam Soler Ramos, Esq., B.C.S.*

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Board Certified by the Florida Bar in  
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