

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, January 27, 2017 2:35 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Mary Kramer, Esq. (advisory boards) INQ 17-26

INQ 17-26 Kramer

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**From:** Turay, Radia (COE)  
**Sent:** Friday, January 27, 2017 2:33 PM  
**To:** Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Cc:** Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>  
**Subject:** FW: INQ 17-26, Mary Kramer, Esq. (advisory boards)

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**From:** Turay, Radia (COE)  
**Sent:** Friday, January 27, 2017 2:32 PM  
**To:** 'mary@marykramerlaw.com' <[mary@marykramerlaw.com](mailto:mary@marykramerlaw.com)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 17-26, Mary Kramer, Esq. (advisory boards)

Dear Ms. Kramer,

You posed two questions in your recent correspondence with our office:

- 1) Whether you, as the spouse of a current North Bay Village Commissioner, may be appointed to the North Bay Village Citizens Budget and Oversight Board?
- 2) Whether you, as the spouse of a current North Bay Village Commissioner, may appear before the North Bay Village Commission, in your individual capacity, to speak on an item.

### Background

You live in North Bay Village. Your husband, Jose Alvarez, is a Commissioner for the North Bay Village Commission. You have an independent interest in serving the Village, possibly by sitting on the Village's Budget and Oversight Board. You also wish to address the Commission, from time to time, during the Good and Welfare segment of the Village Commission meeting to discuss miscellaneous topics that are of concern to you.

### Analysis

- A) As to your first question, whether you, as the spouse of a current North Bay Village Commissioner, may be appointed to the North Bay Village Citizens Budget and Oversight Board:

Section 112.3135(2)(a), Florida Statutes, states that "A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual **may not** be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual

or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.” (Emphasis supplied)

Section 112.3135(1)(d) defines a “relative”: as “an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, **wife**, father-in-law.....” (Emphasis supplied)

It is our understanding, that members of the North Bay Village Citizens Budget and Oversight Board are appointed by the Village Commission.

We believe that the aforementioned statute, which is enforceable through the State of Florida Commission on Ethics, should suffice to answer this question. While the Miami-Dade Commission on Ethics has no power to provide a binding opinion interpreting or enforcing the above statute, it would appear that you cannot be appointed to the North Bay Village Citizens Budget and Oversight Board, as your husband serves on the North Bay Village Commission, and your appointment to the Village Board will therefore be made by the collegial body (the Village Commission) of which your husband is a member. If you choose to receive a binding legal opinion on this issue, you may do so by requesting such an opinion from the State of Florida Commission on Ethics.

B) As to your second question, whether you, as the spouse of a current North Bay Village Commissioner, may appear before the North Bay Village Commission, in your individual capacity, to speak on an item.

There is no prohibition in the County Ethics Code that would prevent the spouse of a Commissioner from speaking on a subject before a Village Commission. Further, Section (s)(3)(b) states that “any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support or opposition to any item, shall not be required be required to register as a lobbyist.” We do advise, however, that as the spouse of a sitting Commissioner, you should make it clear that you are speaking on behalf of yourself, and avoid making any reference during your remarks to the Commission, regarding your husband’s opinion on an issue or his position with the Village.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

**RADIA TURAY**

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Miami-Dade Commission on Ethics and Public Trust  
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From: [mary@marykramerlaw.com](mailto:mary@marykramerlaw.com) [<mailto:mary@marykramerlaw.com>]  
Sent: Monday, January 23, 2017 7:01 PM  
To: Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
Cc: Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
Subject: Two questions from Mary Kramer

Dear Mr. Centorino and Ms. Turay,

Hello. I hope this finds you well and enjoying the New Year.

I have two questions. Please feel free to forward if appropriate to someone else in your office to answer.

Last fall, I filed a campaign ethics complaint against candidate Jorge Gonzalez (North Bay Village). May I now have a copy of the investigator's reports and file, reflecting his interviews with third persons? How do I request this? Is this email sufficient? I believe pursuant to Sunshine this email is sufficient, but let me know if you need something more formal or specific. Thanks.

On a separate topic, my husband Jose Alvarez is a commissioner for North Bay Village Commission. I have an independent interest in service and the Village has a hard time recruiting persons for boards. I did attend Ethics Training last year, and the instructor told me that I can continue to serve on a board but that I probably should not be chairperson or address the Commission as a chair. May I serve on a Village Board? For example, Budget and Audit?

In the same vein, may I address the Commission during Good and Welfare about miscellaneous topics-- express observations and personal opinions? As long as I do not comment on how a vote should be?? Please advise.

Thank you for your time.

Sincerely,  
Mary Kramer

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