

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, March 09, 2017 1:58 PM
To: Sanchez, Rodzandra (COE)
Subject: Jose Infante, Member Naranja Community Redevelopment Agency (Voting Conflict, Prohibited Appearances) INQ 17-69

[INQ 17-69 Haro](#)

From: Centorino, Joseph (COE)
Sent: Thursday, March 09, 2017 11:25 AM
To: 'redlandmarketvillageinc@yahoo.com' <redlandmarketvillageinc@yahoo.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Kuhns Neuman, Brenda (CAO) <Brenda.KuhnsNeuman@miamidade.gov>
Subject: INQ 17-69 Jose Infante, Member Naranja Community Redevelopment Agency (Voting Conflict, Prohibited Appearances)

Mr. Infante:

You have inquired concerning whether you might encounter a voting conflict under Section 2-11.1(v) of the Miami-Dade County Ethics Ordinance in the event that a matter should come before the Naranja Community Redevelopment Agency (CRA), of which you are a voting member, in which the Economic Development Council (EDC), a non-profit entity may have an interest. You serve as the Chairman of the board of EDC. You have indicated that there are a number of issues expected to come before the CRA in which the EDC may have a policy interest, and, therefore, you have requested this opinion in an abundance of caution to determine whether you would face a voting conflict of interest under such a circumstance.

Since CRA's are not always considered to be County boards under the jurisdiction of the Miami-Dade Commission on Ethics, I consulted with Assistant County Attorney, Brenda Kuhns Neuman, who advises the CRA, and she pointed out that your CRA is subject to the County Ethics Code in Section 2-11.1 pursuant to Section 2-1465, which specifically provides for such coverage.

Section 2-11.1(v) of the Ethics Ordinance covers potential conflicts of interest for members of County advisory or quasi-judicial boards. The CRA is more of an autonomous board rather than an advisory board or quasi-judicial board, but since autonomous boards do not have a separate voting conflict provision in the ordinance, we have generally applied 2-11.1(v) to such boards when a voting conflict issue arises. Under Section 2-11.1(v), for such a board member to have a voting conflict, that member would have to be directly affected by the vote, as well as have a special relationship, such as officer or director, with the entity coming before the agency. While you chairman of the board of EDC, a voting conflict would occur for you at the CRA only if you were to be personally affected in a direct way by the vote. Since you are an unpaid director of EDC and you have no expectation that a matter will be coming before the board that directly affects you as an individual, it seems unlikely that you would have a voting conflict of interest on such a matter. If you should have a question in your mind, however, regarding any particular matter that you feel might affect you personally, I suggest that you seek an opinion from us regarding that matter.

Additionally, you should be made aware that, under Section 2-11.1(m)(2) of the Ethics Code, you should not yourself ever appear before your own board to make a presentation on behalf of a third party. Therefore, in the event that a

matter should come before the CRA in which the EDC has an interest or is itself appearing before the CRA, you should not be involved in making any presentation on behalf of EDC.

If you have any questions, please let me know.

Sincerely,
Joe Centorino

Joseph M. Centorino

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