



Miami-Dade Commission on Ethics & Public Trust
Report of Inquiry

Investigators: Sylvia Batista
Jim McGee

Case: PI18-035	Case Name: Village of Palmetto Bay Vice Mayor John Dubois.	<u>Date Opened:</u> 04/30/18	CASE CLOSED Date: <u>9/6/18</u>
Complainant(s): N/A	Subject(s): Voting on DUV while affecting own financial interest.		

Allegation(s):

An inquiry was initiated to determine whether Village of Palmetto Bay Vice Mayor, John Dubois (Dubois), had a conflict when he voted for the creation of the Downtown Urban Village (DUV) in the Village of Palmetto Bay (the "Village"). Dubois (Dubois), who owns property within the DUV, participated in the discussion and vote for the approval of the DUV thereby favorably impacting the zoning of his own properties located at 9726 E. Indigo Street and 9730 E. Indigo Street (the Indigo Street properties).

Dubois participated in the discussion and voted on the ordinance creating the DUV at first reading on September 9, 2015 and second reading on December 14, 2015 without disclosing that he is an affected property owner who owns property inside the DUV. Because Dubois did not request an Ethics Opinion from the COE or from the State Ethics Commission prior to participating in the discussion and vote on the creation of the DUV, the question of whether or not he had a conflict of interest requiring his recusal was never addressed.

Relevant Laws:

Section 2-11.1(n)(1), Conflict of Interest and Code of Ethics Ordinance.

(n) *Actions prohibited when financial interests involved.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the municipality or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

RQO 10-20 of the Miami-Dade Commission on Ethics and Public Trust.

Investigation:

Meetings Reviewed:

09/09/15 & 12/14/15 – Village of Palmetto Bay Zoning Hearing –

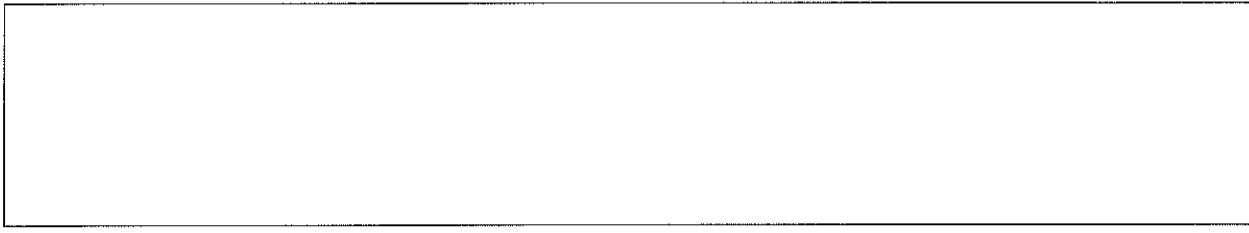
Items relating to zoning creating Section 30-50.23, entitled “Downtown Urban Village,” creating zoning development regulations for a Downtown Palmetto Bay District, amending the official zoning map, and changing the zoning of certain lands to Downtown Urban Village District passed at first and second readings. Dubois was present and voted at both meetings.

Documents Reviewed:

02/13/12 – Special Warranty Deed – between Coconut Grove Bank as grantor and Indigo Street LLC as grantee. The grantor sells and conveys the Indigo Street properties and fully warrants the title to said land to Indigo Street LLC. Indigo Street LLC is a Florida limited liability company filed by Dubois on 02/07/12 naming himself as the Manager and sole authorized person of the company.

Form 1 Statement of Financial Interests filed by Dubois for the tax years ending in 2012, 2013, 2014, 2015 and 2016 listing the Indigo Street Properties as real property owned by Dubois during the disclosure period.

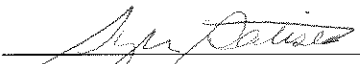
08/02/18 – Reviewed Excel file with folio numbers for 2018 and 2015 provided by the Office of the Property Appraiser. Dubois owns two properties inside the DUV which comprise less than 1% of the total number of affected properties within the DUV.



Conclusion:

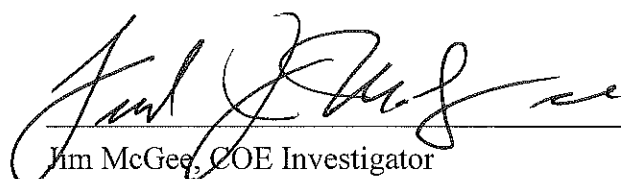
Vice Mayor John Dubois did not have a conflict of interest when he participated in the discussions and voted on the creation of the Downtown Urban Village within the Village of Palmetto Bay (the "Village") because Dubois' properties comprise less than 1% of the entire DUV zone. Furthermore, the official actions taken by Dubois and the Village council in forming the DUV was intended to promote downtown development within the Village which is permissible under Section 2-11.1(n) of the Conflict of Interest and Code of Ethics Ordinance.

For these reasons, this matter can be closed with no further action by the COE.



Sylvia Batista, COE Investigator

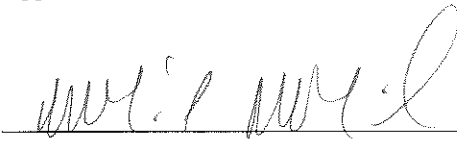
Date: 9/6/2018



Jim McGee, COE Investigator

Date: 9/6/2018

Approved by:



Michael Murawski, Advocate

Date: 9/6/18