

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, January 23, 2018 10:06 AM
To: Sanchez, Rodzandra (COE)
Subject: Robert Yaffe, town Council Member, Town of Bay Harbor Islands (Voting Conflict) INQ 18-15
Attachments: votingconflictForm8B.pdf

INQ 18-15 Yaffe

From: Centorino, Joseph (COE)
Sent: Monday, January 22, 2018 1:23 PM
To: 'Robert Yaffe' <robert@robertyaffe.com>
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 18-15 Robert Yaffe, town Council Member, Town of Bay Harbor Islands (Voting Conflict)

Councilman Yaffe:

Thank you for your inquiry regarding the ethical requirements under the County Ethics Code in connection with an upcoming vote by the Bay Harbor Islands Town Council to approve a contract to sell Transferable Development Rights (TDRs), in which the seller is a condominium association for which you are the attorney in the transaction. You have acknowledged that this will present a voting conflict for you under Section 2-11.1(d) of the Ethics Code due to your business relationship with a party in interest, and that you will therefore not participate in or vote on the matter when it comes before the Council. Section 2-11.1(d) will also require that you announce the conflict publicly prior to the discussion of it by the Council; that you absent yourself from the Chamber during the discussion; and that you file a copy of State Form 8B (attached) with the Clerk within 15 days of the vote.

The specific question you raise is whether the appearance of your name in the contract as the seller's attorney to be provided with a copy of any notice in the event that the buyer is required to give notice to the seller, would create any ethical problem under the County Ethics Code. It does not. Assuming you comply with the Code requirements concerning the voting conflict as outlined above, the mere appearance of your name in the paperwork as the seller's attorney does not violate the Ordinance. It merely confirms what you will be stating regarding the existence of the conflict, and does not, in my opinion, violate the prohibition under Section 2-11.1(d) against your participating in the discussion of the item, or any other prohibition under the County Ethics Code. Therefore, there is no need to remove your name from the paperwork submitted the Town provided that you comply with the requirements of Section 2-11.1(d).

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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Miami, FL 33130
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From: Robert Yaffe [<mailto:robert@robertyaffe.com>]
Sent: Wednesday, January 17, 2018 4:51 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Inquiry

Mr. Centorino,

Following up on our conversation yesterday, I represent a condominium association in Bay Harbor Islands. I am advising it with respect to a contract to sell TDRS (transferable development rights). The TDR sale must be approved by the Town Council. I have advised the client that I am required to recuse myself from the Town Council's consideration of the sale. My name appears in the contract as the seller's attorney to be provided a copy of any notice in the event the buyer is required to give notice to the seller. Please confirm that the fact that my name appears in a contract which will be considered by the Town Council is not a violation of any rule.

Thank you.

Robert H. Yaffe, Esq.
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