

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, January 23, 2018 11:06 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Question regarding conflict of interest, Christopher Durante, Surfside, Conflict of interest , INQ 18-17

INQ 18-17 Durante

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**From:** Perez, Martha D. (COE)  
**Sent:** Tuesday, January 23, 2018 11:00 AM  
**To:** tevatron@live.com  
**Cc:** larango@wsh-law.com; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Question regarding conflict of interest, Christopher Durante, Surfside, Conflict of interest , INQ 18-17

Dear Mr. Christopher Durante,

You advised that you were running for a seat in the Town of Surfside Commission; however, your mother, Officer M. Durante from Surfside Police Department, was advised by a Surfside official (and in turn told you) that running as a commissioner while a family member was employed by the Town was a conflict of interest. You also said that she was told that if you were to be elected commissioner, you could not be un-elected and your mother then would have to be fired from the Police Department.

I reached out to Town Clerk Sandra Novoa who pointed me to Section 29 of the Surfside Code of Ordinances:

**Sec. 29. - Eligibility of the employee.**

**No member of the immediate family of a commissioner shall be eligible to hold a salary position with the town.**

**Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor and punished accordingly.**

**Any town official or employee, whether elected, hired or appointed, who shall knowingly employ or appoint to a remunerative position with the town, either directly or indirectly, any person related by consanguinity to the third degree or by affinity to any town official or employee, shall be deemed guilty of misfeasance and malfeasance in office, subject to removal therefor, and shall forfeit all unpaid compensation, salary, and emoluments of his office, and the person so employed shall be discharged immediately.**

**No member of the commission or any officer or employee of the town shall, directly or indirectly, nor by reason of ownership of stock in any corporation, have a financial interest in any contract or in the sale to the town, or in any land or any rights or interests in any land, material, supplies or services, except, this section shall not apply to ownership of stock in a bank, trust company, public utility or corporation listed on national stock exchanges. Any wilful violation of this section shall constitute malfeasance in office and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation hereof with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the town manager or the commission.**

(Ord. No. 250, § 1(c), 3-17-53; Laws of Fla. ch. 29543(1953), § 1; Res. No. 620, § 1u, 4-14-64; Ord. No. 1368, § 1, 2-3-97)

**Editor's note— The provisions of § 29 appear to have been repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or to have assumed ordinance status pursuant to such act. See F.S. § 166.021. The adoption of the Code of Ordinances does not repeal ordinances published in the Charter. See Code § 1-10.**

Pursuant to Section 2-11.1(y) of the County Ethics Code, I am unable to provide you with an opinion on this issue. The jurisdiction of the Ethics Commission regarding the issuance of opinions is limited by Section 2-1074 (y) of the Miami-Dade County Code. Based on the information gathered in this inquiry, our office does not interpret the Surfside ordinance cited herein. With this email, I am copying Town Attorney Lillian Arango so that she may opt to discuss this matter with you. You left a contact number of (305) 992-6929.

Sincerely,

**Martha D. Perez**

Staff Attorney

**MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST**

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