

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 07, 2018 4:35 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-186 South Miami Planning Board Question

INQ 18-186 Lago

From: Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Sent: Tuesday, July 31, 2018 3:24 PM
To: Mark A. Lago <mlago@bbgres.com>
Cc: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Sibilía, Rhonda (COE) <Rhonda.Sibilía@miamidade.gov>
Subject: FW: INQ 18-186 South Miami Planning Board Question

Dear Mr. Lago:

You have requested an opinion regarding your ability to appear in a video as part of a campaign that will or may be used as part of an issue campaign to encourage voters to support a ballot question reducing the number of votes needed on a zoning change from 5/5 to 4/5 of the City Commission in South Miami. You are not receiving any compensation for your participation in this video. You have no financial interest in the political action committee (PAC) that is behind this issue campaign.

You indicated that the PAC's "client" has appeared before the Planning Board in the past but you were not a member of the board at that time.

In response to your inquiry, several sections of the Conflict of Interest and Code of Ethics ordinance may be implicated. Section 2-11.1 (g) is entitled exploitation of official position prohibited. This section of the Code prohibits you from using, or attempting to use your official position to secure special privileges or exemptions for yourself or others. You have advised that in the proposed video you intend to appear in you would NOT be speaking on behalf of the Planning Board and would not even mention that you are a Board member, accordingly, with those provisos, it does not appear that you would be violating 2-11.1(g) by appearing in this campaign video and expressing your opinion as a citizen of South Miami. You should not identify yourself as a Planning Board member for the City or reference your official position in any way.

You should also be cognizant of section 2-11.1(h) of the ethics code which is entitled "Prohibition on use of confidential information." This section prohibits you from disclosing any confidential information acquired by you as a member of the Planning Board.

It does not appear that your participation, as you described it to be and with the above provisos, in this issue campaign would violate the Conflict of Interest and Code of Ethics ordinance.

However, subsequent to the video/issue campaign, should the PAC's "client" appear before the Planning Board at a later time seeking some action from the board, we would suggest you seek an ethics opinion at that time to determine whether or not you have any conflict.

This opinion is based on the facts as presented. If any of these facts change, please contact us.

From: Mark A. Lago [<mailto:mlago@bbgres.com>]
Sent: Friday, July 27, 2018 11:58 AM
To: Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: South Miami Planning Board Question

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Hi Michael,

Thank you for taking the time to look into this. I sincerely appreciate it.

I am currently a member of the planning board of South Miami and I was asked to be in a video (and make a statement) that will be used to show case the downtown area in South Miami and it will advocate for a better downtown. This video will be used in a campaign to further an issue regarding a Charter item vote in South Miami.

In the next primary election in August, a ballot question proposes a reduction from 5/5 on zoning changes to 4/5 requirement. So if passed, the required number of commission votes (not the planning board, but the city commission) to have a zoning change will be reduced to 4/5.

There is currently no item before the planning board regarding this issue. They will not mention or highlight any particular project and I am not receiving any compensation for this. I will not be speaking on behalf of the board or even mention that I am on the board; just a citizen of South Miami.

Does the commission on ethics have an opinion on this matter as I want to make sure that its perfectly fine for me to do this. And if it's not, I want to make sure that I decline this appearance.

Thank you again for your time in reviewing this matter.

Best regards,



BBG

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VALUATION + ADVISORY + ASSESSMENT

