

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, February 20, 2018 10:42 AM
To: Sanchez, Rodzandra (COE)
Subject: Jean Olin, Special Counsel, City of Miami Beach (Voting Conflict) INQ 18-46

INQ 18-46 Olin

From: Centorino, Joseph (COE)
Sent: Friday, February 16, 2018 1:39 PM
To: 'jean olin' <jeanolin.munilaw@gmail.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Aguila, Raul (RaulAguila@miamibeachfl.gov) <RaulAguila@miamibeachfl.gov>
Subject: INQ 18-46 Jean Olin, Special Counsel, City of Miami Beach (Voting Conflict)

Jean,

This is in response to your inquiry concerning whether a voting conflict would exist for City of Miami Beach Mayor Dan Gelber and Commissioner Micky Steinberg to participate and vote on an upcoming item by which former Commissioner Joy Malakoff would be hired by the City of Miami Beach as an independent contractor to provide outreach services to the City in connection with a ballot item for a General Obligation Bond in the upcoming November election. The vote to hire former Commissioner Malakoff requires a 5/7 supermajority of the Commission due to the fact that Ms. Malakoff made contributions to the campaigns of Mayor Gelber and Commissioner Steinberg in the last election, and, pursuant to Section 2-487 of the City of Miami Beach Code, there needs to be such a vote in order to waive the prohibition against City contractors having made political contributions to Commissioners within the previous 12 months. It is understood that, in the event that Ms. Malakoff is hired by the City, she will not be engaged in lobbying any City officials or personnel, but representing the City's interests in connection with this referendum issue.

The specific question posed by you is whether, under Section 2-11.1(d) of the County Ethics Code, the fact of Ms. Malakoff's having made political contributions to Mayor Gelber and Commissioner Steinberg would, in any way, create a voting conflict for them on this issue. Based on our conversation, Ms. Malakoff does not have any of the enumerated relationships with either Mayor Gelber or Mayor Steinberg that would create an automatic conflict under the provisions of that section. Further, in my opinion, the fact that she has made otherwise lawful contributions in the past to their political campaigns would not create any reasonable possibility that either Mayor Gelber or Commissioner Steinberg would or might, directly or indirectly, profit or be enhanced by voting on the item in question. Therefore, I do not find that they have a voting conflict in participating and voting on this item.

Sincerely,

Joe Centorino

Joseph M. Centorino
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