

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 27, 2018 9:17 AM
To: Sanchez, Rodzandra (COE)
Subject: Harold Mathis, Councilman, Village of El Portal (Voting Conflict) INQ 18-69

INQ 18-69 Mathis

From: Centorino, Joseph (COE)
Sent: Monday, March 26, 2018 5:11 PM
To: 'Harold Mathis' <harold@mratzanlaw.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>
Subject: INQ 18-69 Harold Mathis, Councilman, Village of El Portal (Voting Conflict)

Dear Councilman Mathis:

You have inquired regarding whether you would have a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code in voting on and participating in the decision on whether to hire current Interim Village Manager Ms. Christia Alou as permanent Village Manager in El Portal. You have explained that you were listed as Registered Agent with the State of Florida for Ms. Alou's business, a law practice. It is my understanding that you have not served as an officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary of the law firm. I understand also that you have removed yourself from the designation as Registered Agent. Additionally, you have stated that you do not now and have never worked for the firm, and that you have never received any financial gain or been promised any financial gain from Ms. Alou. It is my assumption, based on these representations, that you have no financial obligations or other financial connection, contractual or otherwise, with Ms. Alou, personally or professionally. If that is not the case, then you should consult with us further and let us know about any such connection.

Under the facts represented by you, there is no voting conflict of interest in your voting on her appointment. You do not have a relationship with her or her law firm that would create a voting conflict of interest under Section 2-11.1(d) of the County Ethics Code. The fact of your formerly being a Registered Agent for her law firm does not, by itself, create a conflict. The Registered Agent for a professional association or other private business entity does not carry with it any power over the operations of the business or any ownership interest in a business that would create an automatic voting conflict. Moreover, the law firm of Ms. Alou is not involved in or affected by her appointment as Village Manager. Additionally, I see no reasonable possibility that you would profit or be enhanced personally by the vote, merely due to your past association with her law firm as Registered Agent. A past business relationship or a personal friendship with an individual who is affected by a vote of the council, does not, by itself, create a voting conflict of interest.

Nonetheless, it is always advisable in a situation like this to disclose the connection with the other individual, even if it did not amount to a personal interest that would create a conflict. Elected officials are always subject to scrutiny for any lack of objectivity or possible personal interest in matters coming before them that involve their public positions. Stating on the record that you have had such a past connection, but no present business or financial relationship with an individual or entity before you, helps to promote a sense of transparency and openness about the process.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Harold Mathis [<mailto:harold@mratzanlaw.com>]
Sent: Thursday, March 22, 2018 10:38 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: Request for an Opinion regarding A Conflict of Interest

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov **Enterprise Security Office**

Dear Mr. C:

I hope this communication finds you well. Thank you for taking the time to speak with me yesterday. I am requesting an opinion based on certain members of my Council stating that I need and should recuse myself from a vote. I currently sit on the Council for the Village of El Portal. In 2014, a friend of mine, Christia Alou, wanting to return to work, decided to incorporate her business, a law practice. At that time I was processing incorporations via Sunbiz.org. In completing Ms. Alou incorporation for Alou Law, I listed myself as a her Registered Agent to submit the filing.

Fast forward. For the past 7 months Ms. Alou has been operating in the role of Interim Village Manager for the Village of El Portal. Ms. Alou has been offered the position of permanent for Village Manager and members of the counsel have stated this in light of me being listed as the Registered Agent, it's a conflict of interest and I should have disclosed the relationship with Ms. Alou.

The fact is that I was listed as the Registered Agent for Alou Law. I totally forgot about it and the moment it was brought to my attention, I acted immediately to have my name removed.

I do not and have not worked for Ms. Alou. I have never received any financial gain from Ms. Alou nor have I been promised financial gain or special treatment from Ms. Alou. And I have not offered anything nor have I made any promises to Ms. Alou.

If you would be so kind as to forwarding me an opinion in this matter, as the Council is set to vote on this, Tuesday, March 27, 2018. I would greatly appreciate it.

Sincerely,

Councilperson Harold E. Mathis, Jr.
(please note I am sending this from my work email)

Harold E. Mathis, Jr., *PANC*, *Paralegal*

**RATZAN &
FACCIDOMO** LLC

1450 Brickell Avenue,
Suite 2600, Miami, FL 33131-2342
Tel. 305.374.5730
Fax. 305.374.6755

www.rflawgroup.com

NOTICE: This e-mail communication (including any attachments) is from a law firm and contains legally privileged and confidential information intended solely for the use of the intended recipient. If you are not the intended recipient, and you have received this e-mail in error, please stop reading this email, notify the sender and delete the e-mail from your computer. Any unauthorized distribution, copying or other use of this communication (or its attachments) is strictly prohibited. If you are not an existing client of RATZAN & FACCIDOMO, LLC., this email is not intended to make you a client, nor shall this email be construed to create an attorney-client relationship unless it contains a specific statement to that effect.

PRIVILEGE AND CONFIDENTIALITY NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. The contents of this e-mail message and any attachments are intended solely for the party or parties addressed and named in this message. This communication and all attachments, if any, are intended to be and to remain confidential, and it may be subject to the applicable attorney - client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute, or copy this message and or any attachments if you are not the intended recipient. Do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.