

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, October 01, 2008 3:53 PM
To: Boutsis, Eve
Subject: INQ 08-157

Vice Chair of South Miami CRA

TO: Eve Boutsis
FROM: Victoria Frigo
DATE: Oct. 1, 2008
RE: INQ 08-157

Vice Chair of South Miami CRA should recuse himself if the CRA votes on the purchase of property represented by his real estate partner. *See* 2-11.1 (d).

You asked today if the Vice Mayor of South Miami, who serves as Vice Chair of the South Miami CRA, may vote on the purchase of real property represented by his real estate partner and personal friend.

Because the Vice Chair may “profit or be enhanced by” the vote, he must recuse himself from voting and not participate in any discussions regarding the purchase of the property. Section 2-11.1 (d) of the County Ethics Code states specifically—

[N]o [elected official] shall vote on or participate in any way in any matter presented to [his governmental body] if [he] has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the [his governmental body]: (i) officer, director, **partner**, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person ... in a manner distinct from the manner in which it would affect the public generally. Any person ... who has any of the above relationships **or** who **would or might, directly or indirectly, profit or be enhanced by** the action of the [governmental body] shall absent himself or herself from the ... meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter. (Emphasis added.)

A similar requirement was imposed on the Vice Chair in INQ 08-65, when he was advised to recuse himself on voting for the appointment of his real estate partner, friend, and co-occupant of his home for a position on the City’s Charter Review Committee.