

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, July 02, 2012 4:36 PM
To: 'Martell, Marlen'
Cc: Siegel, Darcee; Centorino, Joseph (COE)
Subject: No voting conflict (INQ 12-112)

Councilwoman Martell,

You asked if the ethics code prevents you from sponsoring Resolution No. R 2012-53 at the meeting of the City Council of North Miami Beach tomorrow, July 3, 2012. The resolution supports the City Manager and City Building Official's determination that building permits related to a property in North Miami Beach known as Marina Grande are valid and active. The property is being represented by Stanley Price.

You have no voting conflicts on this matter because you have no current relationship with the property owners or with Mr. Price. You further stated that you will not, directly or indirectly, profit or be enhanced by the passage or defeat of this resolution or related votes.

A previous attorney-client relationship existed between Mr. Price and your husband, but that relationship concluded approximately three years ago, prior to your marriage and before you became an elected official. Mr. Price is no longer representing your husband and has not contributed to your election campaign.

This opinion is limited to the facts that you presented based on an interpretation of the Miami-Dade County Ethics Code at Sec. 2-11.1 (d). As I am sure you are aware, this opinion does not address the merits of your resolution.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: Martell, Marlen [<mailto:Marlen.Martell@citynmb.com>]
Sent: Monday, July 02, 2012 12:45 PM
To: Frigo, Victoria (COE)
Subject: Ethics opinion

Good afternoon,

My name is Marlen Martell and I was newly elected as Councilwoman to the City of North Miami Beach on May 17, 2011. Over three years ago my now husband then boyfriend Stephen (Steve) Pizzillo which had worked for the City of North Miami Beach as the Chief Building Inspector was being brought under charges and had to respond to the Department of Business and Profession Regulations. He contacted Stanley Price and was represented by Mr. Price. A stipulated agreement was presented by DBPR in which Steve admitted no wrong doing and was accepted by

both parties. At that time, Steve and I were not married. At that time I was not an elected or announced for the position of councilwoman. I did not receive any campaign funding from Mr. Price or his firm or members of his firm.

Mr. Price is a representative of one of our biggest and only current developments in the City of North Miami Beach. Marina Grande was initiated in 2006 and are now requesting the thumbs up or down from the current council in order to proceed with the development. The reason they are requesting assurance is because the City Attorney Darcee Siegal requested an independent opinion from Charles Simeon which stated that the zoning and permits are invalid. Our Building Official, (Medi); City Manager, (Bonner); Community Development Director and Planning Director, (Kamali and Heid) all disagree with the City Attorney Mrs. Siegal and the second opinion.

The developer and Mr. Price have contacted me to request a resolution that will clarify if they are entitled to proceed with the development.

I believe determining permit status is not within our jurisdiction and our only ability is to provide a vote of confidence.

According to our Charter Article VI PUD Planned Unit Development Districe Sec. 24-63 (C), the Council can request a hearing to determine insufficient progress the PUD approval may be terminated.

Please I need to know if I need to recuse myself from voting based on the relationship that my husband had with Mr. Price prior to our marriage and prior to me becoming an elected official.

Thank you so much for your assistance it was a pleasure speaking to you.

Sincerely,

Marlen Martell, Councilwoman
City of North Miami Beach
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