

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Monday, August 20, 2012 4:39 PM
To: 'luigi.boria@cityofdoral.com'
Cc: Frigo, Victoria (COE)
Subject: Inquiry of Doral City Councilman Luigi Boria

Dear Councilman Boria,

Below is a summary of the informal opinion I provided to your City Attorney, Jimmy Morales, in connection with the issue that you have raised. It recommends against the participation in council discussion or action of council members who may own property in the affected area near the golf course at the Doral Resort and Spa. Because it is an informal opinion, it is not binding. If you disagree with the opinion, you may request that it be reviewed by the Commission on Ethics and Public Trust at its next scheduled meeting in September. If you agree with the opinion, you need not do anything other than refrain from discussing or voting on this matter, and you should leave the room during any such discussion or vote. Please bear in mind that while your conflict would prevent you from taking official action as a council member, it would not prevent you from attending or speaking at a meeting of fellow homeowners regarding this issue, provided that you advise those present that you are speaking as a private homeowner rather than an elected official.

I hope this answers your question. Please call me at 305-350-0613 should you have any further questions.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Centorino, Joseph (COE)
Sent: Friday, August 17, 2012 5:49 PM
To: Frigo, Victoria (COE)
Subject: INQ - Jimmy Morales

I received a call from Jimmy Morales, City Attorney for the City of Doral. He said that since Donald Trump acquired the Doral Resort and Spa, the resort has decided to put up some trees and landscaping that will shield the golf course from some of the residences in the area. Morales believes that the resort can do this without authorization from the City. Apparently, some of the residents in that area, which includes one or more City Council members, are opposed to the idea.

Morales inquired whether there would be a prohibited conflict of interest if a council member having a home in the area brought an item before the board in an attempt to block the resort from doing the landscaping. I said that, although there would generally not be a conflict of interest in a situation where a zoning matter came before the council that might affect a council member's home, this appears to be a different scenario. In the former situation, prior opinions issued by the COE have indicated that there is no voting conflict where the matter affects the public generally in the same manner, even though a board member or his/her family may be affected by the zoning change. The latter scenario, however, does not involve a zoning issue coming before the board. In fact, it involves an attempt to use the power of office to initiate some action that would have an impact on a limited number of homes in the area of the activity, including the home of the initiating party. This would seem to be a matter that would appear to profit or enhance the council members affected by the issue in an area limited to a relatively small group of homeowners. Under these circumstances, I believe there is a prohibited voting conflict under Section 2-11.1 (d). Depending on the nature of

the action that is initiated, there might also be some concern about a possible Exploitation of Official Position, under Section 2-11.1(g), but more information would be needed to reach that issue.

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
www.miamidadeethics.com

