

## Frigo, Victoria (COE)

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, October 24, 2012 5:39 PM  
**To:** Kim, Inson (Office of the Mayor)  
**Cc:** Frigo, Victoria (COE)  
**Subject:** FW: INQ - Mayor Carlos Gimenez

Ms. Kim,

I understand that in my previous communication regarding this matter, I incorrectly identified the Mayor's relative as his daughter, when, in fact, it is his daughter-in-law who is the associate at Squire Sanders. I apologize for my error. However, please be advised that inasmuch as the relevant code section regarding Exploitation of Official Position does not reference immediate family members but includes any persons who may be the recipient of special privileges or exemptions, the fact that it is the Mayor's daughter-in-law rather than his daughter does not change the opinion.

Joe Centorino

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, October 24, 2012 4:59 PM  
**To:** Kim, Inson (Office of the Mayor)  
**Cc:** Frigo, Victoria (COE)  
**Subject:** INQ - Mayor Carlos Gimenez

Ms. Kim:

It is my understanding that Mayor Carlos Gimenez has inquired about whether he may participate in a matter involving the engagement of the law firm Squire Sanders by Miami-Dade County where his daughter is an associate of that firm. I understand that the matter involves the County's retention of Squire Sanders to represent it as special tax counsel in discussions and/or proceedings with the Internal Revenue Service regarding the status of the Series 1996 Seaport Bonds. You have provided me with a copy of a Memorandum explaining this issue, a copy of the Resolution to be acted upon by the Commission at an upcoming meeting, and a proposed professional services agreement between the County and Squire Sanders.

It is my understanding that the Mayor's daughter is an associate and not a partner with Squire Sanders, and that she has no ownership interest in that firm, nor will she be working on or be compensated for work performed on the matter for which Squire Sanders would be retained by the County. I understand also that Mayor Gimenez likewise has no ownership interest in that firm, and that Mayor Gimenez himself would not profit, directly or indirectly, by any action of his or of the Commission in connection with the approval of or performance of said agreement.

In reviewing prior decisions provided to Mayor Gimenez, I note that there are two relevant opinions written by my predecessor that should be considered. An opinion dated June 11, 2009 to then Commissioner Gimenez, suggested that it would not be inappropriate for Squire Sanders to become bond counsel for the County or for Commissioner Gimenez to vote or otherwise participate as a member of the Board of County Commissioners in a decision on their status as bond counsel. However, in an opinion dated August 31, 2011, Mayor Gimenez was advised against exercising his mayoral discretion over contract recommendations, awards, modifications and contract administration when a company employing one of his sons, which company was under consideration for county contracts, could be affected directly or indirectly by his actions. This recommendation was made in order to avoid any suggestion of Exploitation of Official Position. Mayor Gimenez has consistently followed the recommendation in the latter opinion that he delegate his authority in such circumstances to another County administrator.

Because Mayor Gimenez is now in a position to exercise much greater discretion over a contract award in his current position that when he held the position of County Commissioner, I believe it would be advisable for him to be guided by the August 31, 2011 opinion and refrain from becoming involved in the award of the above-mentioned contract to Squire Sanders. While there is no prohibition against the County's retention of Squire Sanders under the circumstances, I advise that the Mayor delegate his authority over the award of this contract to another County administrator and that he remove himself from the decision-making chain as he has previously done with regard to contracts involving companies employing his son.

Sincerely,

*Joseph M. Centorino*

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