

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, December 06, 2012 5:40 PM
To: District10
Cc: Frigo, Victoria (COE); Sanchez, Gerald (CAO)
Subject: INQ - Senator Javier Souto, Commissioner for District 10, Miami-Dade County

Senator Souto,

You have inquired regarding whether the hiring of Rafael Orizondo, who is your third cousin, as a member of your Commission Staff, would be a violation under applicable ethics ordinances or statutes. It is my understanding that Mr. Orizondo is under consideration for a position on your staff involving media relations, and that Mr. Orizondo has extensive experience in this field. It is also my understanding that you have no private business or contractual relationship with Mr. Orizondo, nor does anyone in your immediate family have such a relationship with him.

Under these circumstances, I do not find any prohibition that would prevent the hiring of Mr. Orizondo. The conflict provisions in the county ethics code which involve connections with immediate family members would not apply since by definition a third cousin is not an immediate family member under the code. Other provisions concerning conflict of interest would not apply unless you were in a position to personally profit or be enhanced by this action, and I understand from the information I have received that you have no relationship with Mr. Orizondo that would create such a situation. Additionally the anti-nepotism statute under state law, Section 112.3135, as well as the Anti-Nepotism Policy of Miami-Dade County (adopted 7/30/07), would not apply since a third cousin is not considered a "Relative" under either provision.

Regardless of the provisions of law or ordinance, you should always exercise your best judgment to avoid situations that would create an appearance of impropriety.

Please feel free to call me at 305-579-2594 should you have any further questions about this matter.

Sincerely,
Joe Centorino

Joseph M. Centorino

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