

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, January 17, 2013 2:05 PM
To: Escobar, Bernardo (DIST11)
Cc: Frigo, Victoria (COE); Sanchez, Gerald (CAO)
Subject: INQ - Commissioner Juan Zapata 1/17/13

Mr. Escobar:

In response to your question concerning Commissioner Juan Zapata's pending nomination of Julio Robaina to the Miami-Dade County Expressway Authority, I have reviewed Section 2-11.1(d) of the Miami-Dade Conflict of Interest and Ethics Ordinance. That ordinance provides, in part, that "no [county commissioner] shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person 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 Board of County Commissioners: (i) officer, director, *partner*, of counsel, consultant, employee, fiduciary or beneficiary..."

Inasmuch as Commissioner Zapata is the business partner of Mr. Robaina, who would himself be directly affected by the appointment, it would not be permissible under the aforesaid provision for Commissioner Zapata to participate in any way in his appointment to the Miami-Dade County Expressway Authority. This would include either nominating or voting for Mr. Robaina in that position. This provision applies regardless of whether the Expressway Authority would have any impact on their mutual business interests (which I understand it would not). It would also apply to the appointment of any business partner of any county commissioner for any position on any county board, regardless of whether such position was a paid position or had any impact on the business.

If you have any questions about this matter, please feel free to call me at 305-350-0613.

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

From: Escobar, Bernardo (DIST11)
Sent: Thursday, January 17, 2013 12:55 PM
To: Centorino, Joseph (COE)
Subject: Nomination of Julio Robaina to MDX Authority
Importance: High

Good Morning Mr. Centorino,

Commissioner Zapata nominated Julio Robaina, his partner in Pasos, Robaina & Zapata Management Group (Condominium & Homeowner Association Management Group), who is a former member of the Florida House of Representatives and former mayor of the City of South Miami to the Miami-Dade County Expressway Authority. This is a nomination requiring group appointment by a majority of the Board of County Commissioners. The position on the MDX Authority does not provide a salary or compensation.

Commissioner Zapata would like to request your opinion in writing as to any ethical or legal issues that may be created by this nomination of Mr. Robaina. If there are no legal or ethical implications from this nomination, would there be any issues arising from his vote in support of Mr. Robaina's candidacy? Finally, would there be any legal or ethical issues with respect to Commissioner Zapata appointing any business associate to a County Board, if the board is voluntary in

nature (no monetary compensation) and the board's subject matter is in no way germane to the nature of their business?

I thank you in advance for your kind assistance in providing a legal opinion on these issues.

Bernardo Escobar
Senior Assistant to Commissioner Juan C. Zapata