

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, May 15, 2013 4:53 PM
To: Escobar, Bernardo (DIST11)
Cc: Sanchez, Gerald (CAO); Frigo, Victoria (COE)
Subject: INQ - Commissioner Juan Zapata

Mr. Escobar:

You have inquired on behalf of Commissioner Juan Zapata whether there would be a prohibited conflict of interest for him to make use of temporary office space he owns in order to temporarily house his staff while permanent office space is being prepared for his staff. It is my understanding that the county will not be charged any rent for the space, and any expenses borne by the county in order for the staff to make use of the space, will not result in any payments to Commissioner Zapata, to any relative his, or to any company in which he or a relative has a financial interest. There will be no permanent improvements made to the property that would profit or enhance Commissioner Zapata's interests. There will be no lease or contract entered into by the county to secure the use of this space. Essentially, Commissioner Zapata is donating the space to the county, at his own expense, for county use and will not be receiving any remuneration, direct or indirect, as a result of the county's use of space owned by him.

Section 2-11.1(c)(1) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance would prohibit a County Commissioner from entering into any contract or transacting any business in which the Commissioner or a member of his/her immediate family has a financial interest, direct or indirect with Miami-Dade County. Waiver of this prohibition could be granted by a 2/3 vote of the County Commissioners under circumstances specified in Section 2-11.1(6). However, it is my opinion, based upon the circumstances cited above, that Commissioner Zapata will not be entering into a contract or transacting any business with the county, and has no personal financial interest in the arrangement. His decision to donate the use of space owned by him for a public purpose, without any financial or other benefit to him personally, does not constitute contracting with or transacting business with the county. Therefore, it is my opinion that there is no requirement that this matter be submitted to the County Commission for a waiver pursuant to the above-cited ordinance.

Please contact me should you have any questions.

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
305-579-2594

From: Escobar, Bernardo (DIST11)
Sent: Friday, February 15, 2013 7:24 PM
To: Centorino, Joseph (COE)
Subject: FW: Opinion on Temporary Use of District Office Premises
Importance: High

I just learned that Commissioner Zapata already pays for cleaning services on the office, so no County funds would be utilized for cleaning services.

From: Escobar, Bernardo (DIST11)
Sent: Friday, February 15, 2013 4:57 PM
To: Centorino, Joseph (COE)

Subject: Opinion on Temporary Use of District Office Premises

Importance: High



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
Commissioner Juan C. Zapata, District 11

DATE: February 14, 2013
TO: Joseph Centorino, Executive Director
Commission on Ethics and Public Trust
FROM: Bernardo Escobar
RE: Temporary Use of District Office Premises

Mr. Centorino:

Newly Elected Commissioner Juan Zapata is in the process of finalizing his lease of district office space in West Kendall in a professional office building on Kendall Drive and SW 164th Avenue. However, we need a few weeks for the builder to complete the build out of the space since it is essentially an empty shell.

In the interim, Commissioner Zapata has offered our staff the use of a very small office which he owns on Kendall Drive and SW 137th Avenue at no rental costs to the taxpayers, so that we can better serve our constituents in the West Kendall Area. Since he was elected, we have been serving our constituents out of Starbucks Coffee shops throughout the Kendall and West Dade area, and execution of a lease for our permanent office and the build-out of the space has taken longer than we originally anticipated.

I am inquiring as to whether Commissioner Zapata should seek a waiver of Section 2-11.1(c) of the Code of Miami-Dade County.

The facts are as follows:

- (1) The temporary office space is being provided at no rental costs or charges whatsoever.
- (2) There will be no improvements to the office space whatsoever.
- (3) Only County related charges are the temporary moving of three desks, some chairs and computers from our County storage space, access to the County internet services and contracting of janitorial services if permissible for cleaning the office every two weeks.

(4) The use of the space will probably only be until April, as Commissioner Zapata has a permanent tenant scheduled to move into the space in April.

I thank you in advance for your kind assistance in providing your legal advice with respect to this issue.