

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, January 24, 2013 9:50 AM
To: 'fsuarez@miamigov.com'
Subject: INQ - City of Miami Commissioner Francis Suarez - Voting Conflict Question

Commissioner Suarez:

You have inquired regarding whether you would have a voting conflict in an upcoming vote of the Miami City Commission on the hiring of outside counsel to represent Mayor Tomas Regalado, who is a defendant in a pending law suit. The law suit has been filed by your fellow Commissioner, Michelle Spence-Jones. You have made this inquiry in light of the fact that you have declared your candidacy for Mayor of Miami and will be opposing Mayor Regalado in the upcoming City of Miami mayoral election.

It is my understanding that you have no personal or business interest in this issue. You are not involved in the law suit. You will not be voting on whether to retain any law firm with which you have a personal, family or business interest. The basis for any possible conflict at this stage concerns your status as a political opponent of the Mayor. Under these circumstances, you do not have any of the relationships with any of the parties to this vote that would create a prohibited relationship under Section 2-11.1 (d) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance that would require your recusal from the vote. There is no indication that you might personally, directly or indirectly, profit or be enhanced by the decision that is to be made by the Commission. Political adversariness, by itself, does not create such a conflict.

Therefore, I am advising you that you do not have a legal conflict pursuant to the Miami-Dade Conflict of Interest Ordinance that would require your recusal from this matter. However, the Code provides only a minimum standard of ethics. Any consideration of whether you would be able to be fair and objective in making this decision, or the consideration of any appearance of impropriety arising out of your involvement in this issue, rests solely in your judgement and discretion.

If you should have any further questions about this matter, please feel free to call me.

Joseph M. Centorino

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