

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, September 09, 2013 11:28 AM
To: 'Pepe, Thomas F.'
Cc: Steven J. Alexander; Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Board Reappointment (INQ 13-216)

Mr. Pepe,

This is in response to your question about reappointing a board member who has a financial interest in a matter coming before his board.

The board member should not be reappointed to the board because he has a financial interest in an entity that will likely create a substantial conflict between his private interests and the public interest. *See* Miami-Dade County Ethics Code at Sec. 2-11.1 (l) and South Miami Code of Ethics at Sec. 8A-1 (k).

The conflict can only be cured by having the board member divest himself of his financial interest in the entity or by not reappointing him to the board.

The County Ethics Code does not designate a period of time that must pass between the individual's divestment of his financial interests and his reappointed.

Any "cooling off" provisions in the County Ethics Code alluded to by the City Manager probably refer to government employees who cannot lobby their governments for two years following departure from government employment or members of Community Councils who are prohibited from lobbying their own Councils for two years regarding any zoning or land use issue following service on the Council. *See* Miami-Dade County Ethics Code at Sec. 2-11.1 (q).

Sincerely,

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Wednesday, August 28, 2013 3:21 PM
To: Frigo, Victoria (COE)
Cc: Steven J. Alexander
Subject: Conflict of Interest 3 year bar question

My city manager has the following question regarding an Environmental Review and Preservation Board ("ERP") member who must resign because he has a financial interest in a project that will be coming before his board.

I think that the board member with a conflict would be barred from serving again. As I mentioned, I believe the County uses a three year period of no involvement but you should make sure before sending the memo.

Is there anything in the county ethics ordinance that would bar a board member, for a period of time after he no longer has an interest in a project that may come before his old board, before he can be re-appointed to that board?

Thank you.

Very truly yours,

Thomas F. Pepe

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