

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, September 18, 2013 4:17 PM
To: Frigo, Victoria (COE)
Cc: Diaz, Manuel W. (COE)
Subject: INQ - Joe Geller- City Attorney for Miami Lakes, Opa-locka, El Portal

Joe Geller, City Attorney for the Cities of Miami Lakes and Opa-locka, and for the Village of El Portal, called and asked whether he would be permitted to approach the municipalities where he is employed on behalf of a bank, which is a client of Geller's private firm, to suggest that the municipalities consider investing their municipal funds through a bank program that he believes would provide them with a very favorable return. He said that he was asked to do this by the client, and that, if he were to do it, he would not accept any payment from the client for the service.

I advised Mr. Geller that he should not take such action on behalf of a private client, regardless of whether he was going to be paid for doing so. Under Section 2-11.1(n) of the Ethics Code, as City or Village Attorney Mr. Geller could not participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. His involvement in the proposal would likely violate that section, given his personal financial interest in his law firm and the fact that he would be performing a favor in getting new business for an existing private client. Even if he were not paid directly for the service, he would be enhancing his firm's relationship with the client, which would likely lead to financial benefits for his firm. Additionally, his position as City or Village Attorney would also put him in a position where there could be an Exploitation of Official Position (2-11.1(g) or Conflicting Employment (2-11.1(j)). The conversation between Geller and city officials could also be considered Lobbying (2-11.1(s)), which would require registration and would put him in an untenable position given his role as municipal attorney in the same municipality.

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov

