

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, October 07, 2013 2:42 PM
To: 'wrinehart@costarealty.com'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 13-243 Voting Conflicts

Mr. Rinehart,

The County Ethics Code does not prohibit you, as a County Planning Advisory Board member, from voting on matters being presented by two individuals who donated to a golfing event that you headed on behalf of a nonprofit foundation. A voting conflict would be created only if you would be directly affected by the votes or if you had certain prohibited business relationships with the individuals coming before you. We understand that you are employed in the commercial real estate industry, have no business relationships with the applicants, and served as a voluntary, unpaid chair of the charity golfing event. *See* the Miami-Dade County Ethics Code at Sec. 2-11.1 (v).

You may wish to recuse yourself from voting, however, based on what some may see as an appearance of impropriety. For example, if the donor-applicants were attempting to curry favor with you by donating to a charity you support, these actions could possibly violate Secs. 2-11.1 (e)(3) and (g) of the County Ethics Code, *i.e.*, donations were given in return for official actions taken and/or official actions were taken to secure special privileges for others.

If you choose to recuse yourself from these matters, please 1) announce publicly at the meeting the nature of the conflicts before the items are heard; 2) absent yourself from that portion of the meeting during which the items are discussed and/or voted upon; and 3) file a written disclosure of the nature of the conflicts with the person responsible for recording the minutes of the meeting within 15 days after the vote.

If you have additional questions, please feel free to contact me or my colleague, Gilma Diaz-Greco, Staff Attorney.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Wayne Rinehart [<mailto:wrinehart@costarealty.com>]
Sent: Wednesday, October 02, 2013 4:19 PM
To: Ethics (COE)
Subject: opinion

I would like to get an opinion on the following circumstances.

My name is Wayne Rinehart, I am chairman of the Dade County Planning Advisory Board, last week I had a Golf Tournament to benefit Breast Cancer Awareness Foundation.

My job as head of the committee was to send out flyers soliciting golfers and sponsors. I received many, many checks in the mail as donations For this wonderful cause.

When I received my package for the October 21st PAB meeting I realized that two of the checks I received were from applicants scheduled for my October 21st meeting. I have not had any direct communication with anyone of these applicants.

In your opinion, am I able to hear these applications?

Thank you.

Wayne Rinehart
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