

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, November 12, 2013 1:37 PM
To: Annunziato, Alex C. (DIST13)
Cc: Sanchez, Gerald (CAO); Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ - Commissioner Esteban Bovo - Item 2A - Hialeah Race Track
Attachments: votingconflictmemo.doc

Mr. Annunziato:

You have inquired regarding whether a written disclosure must be made by Commissioner Bovo on a conflict issue where the meeting that was expected to involved consideration of and a possible vote on the issue was deferred due to a lack of a quorum. Section 112.3143(3), Florida Statutes, provides that the written disclosure is to take place "within 15 days after the vote occurs." Therefore, I would interpret this as requirement for filing Form 8B only when there is a vote that actually occurs. Further, if there is no quorum, then there really is no meeting at which a vote could have occurred, so my opinion would be that the disclosure requirements could not apply in that situation. Please bear in mind, however, that only the Florida Commission on Ethics has the power to provide binding opinions on this issue. I have attached a memo that I sent out earlier this year on the subject.

Sincerely,

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

From: Annunziato, Alex C. (DIST13)
Sent: Tuesday, November 12, 2013 12:55 PM
To: Centorino, Joseph (COE)
Subject: Conflict disclosure - Item 2A - Hialeah Race Track

Mr. Centorino,

Commissioner Bovo was prepared to recuse himself and file the appropriate disclosure forms with the Clerk regarding the pari-mutuel item that was scheduled to be heard by the finance committee today. However, with the Commissioner unable to vote on the item the committee was left without a quorum due to Commissioner Zapata's absence. Am I right in concluding that since the item was deferred to the next committee date, the written disclosure should be filed within 15 days of when an actual vote is taken on the item? Please advise.

Regards

Alex



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Stay connected with Commissioner Bovo!

