

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, November 21, 2013 1:36 PM
To: 'Pepe, Thomas F.'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Censure Resolution (INQ 13-300)

Mr. Pepe,

Whether a commissioner has a voting conflict to vote for or against her own censure depends on the consequences of the censure.

A voting conflict would be created under the County Ethics Code at Sec. 2-11.1 (d) if the commissioner might, directly or indirectly, suffer a serious personal consequence, particularly a financial loss or some other harm unique to her or her immediate family, as a result of the censure.

On the other hand, if the censure would have a *de minimis* effect on the commissioner, she could vote, arguing that she is not affected by the vote in a manner distinct from the public generally.

Regarding a voting conflict under state law, please consult with the Florida Ethics Commission at <http://www.ethics.state.fl.us>.

If you have further questions about the County Ethics Code, please contact Joe Centorino, Executive Director, or Gilma Diaz-Greco, Staff Attorney, at the Miami-Dade Ethics Commission.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Wednesday, November 20, 2013 6:44 PM
To: Frigo, Victoria (COE)
Subject: Private Gain or Loss re Censure Resolution

If a commission member sponsors a resolution to censure another member, can the other member vote on the resolution or must he or she abstain from voting?

Would the other member who is the subject of the censure resolution have a special gain or loss by voting on the resolution as contemplated by Fla. Stat. sec. 112.3143?

Thank you.
Very truly yours,

Thomas F. Pepe

City Attorney
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
Tel: (305) 667-2564
Fax: (305) 341-0584
E-mail: tpepe@southmiamifl.gov

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