

Diaz-Greco, Gilma M. (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, January 06, 2014 2:57 PM
To: 'Julio Caceres'
Subject: RE: Ethics opinion INQ -13-310

Dear Mr. Caceres,

You inquired whether, as a sitting board member for the District 10 Zoning Appeals Board of Miami-Dade County, you could speak in favor of a zoning variance at Mr. Jorge Carvajal's hearing before another district's zoning appeals board. You advise that Mr. Carvajal is a friend whom you met as a fellow parent at your daughter's school. You indicate that you do not have any financial dealings or interests with Mr. Carvajal or his company, and that to the best of your recollection you have never, as a member of District 10 Zoning Appeals Board of Miami-Dade County, voted on any item in which Mr. Carvajal had an interest.

The Ethics Commission has jurisdiction over the *Ethics Code* and we advised in INQ 13-310 that appearing on behalf of Mr. Carvajal at a hearing before another zoning appeals board did not constitute a violation of Ethics Code Section (m)(2). However, we have been advised by the Miami-Dade County Attorney's Office that this appearance would be a violation of County Code Sections 20-41(C) and 33-307.1. We are therefore revising our prior informal opinion to advise you that under these County Code sections, Community Zoning Appeals Board members are prohibited from appearing to advocate on behalf of a third person before a another board. Consequently, although the Ethics Code would not prohibit you from appearing on behalf of a friend in front of a board other than your own, the County code would preclude you from doing so.

We apologize for any confusion our previous response may have caused. Please do not hesitate to contact me if I may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
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From: Julio Caceres [mailto:JulioCac@baptisthealth.net]
Sent: Monday, January 06, 2014 11:57 AM
To: Diaz-Greco, Gilma M. (COE)
Cc: Centorino, Joseph (COE); jorge@fivestarsegment.com
Subject: RE: Ethics opinion INQ -13-310

Hi Gilma,

I hope this email finds you well.

I will gladly answer your questions, but wonder why this information is pertinent to a revised ethics opinion. If there are county codes that prohibit my speaking on behalf of an applicant at other zoning appeals boards, how are the answers to these questions relevant?

Either way, here are my answers. They are not different from my answers to you during our phone conversation last year. My answers are in red.

- 1) The nature of your relationship with Mr. Jorge Carvajal and Five Star Jewelry. Particularly if you have any business and/or financial interests with Mr. Carvajal or his business enterprises. **Mr. Carvajal and I are friends. We met by virtue of being parents of children who attend St. Timothy Parish School. Each of our youngest daughters (both named Cristina) are in the same class in the 4th grade at the aforementioned school. Mr. Carvajal and I have no business and/or financial relationships. As a matter of fact, I have never even purchased an item from Mr. Carvajal.**
- 2) Whether you have appeared, or are planning to appear on behalf of Mr. Carvajal and his enterprises at any other Zoning Appeals Boards. **I attended the zoning hearing I told you I was going to attend, but was informed by the county attorney that I was not allowed to speak on behalf of Mr. Carvajal despite my having an ethics opinion that clearly stated that I could. I ended up not speaking at the public hearing. Mr. Carvajal has another application before another community council on Tuesday, January 7th. I plan on attending this meeting but will not be speaking on his behalf.**
- 3) Whether you have you voted in your Zoning Appeals Board (District 10) on any matters pertaining to Mr. Carvajal or any of his enterprises. **In my role as a board member for ZAB-10, I have heard hundreds if not thousands of applications. I make a point of reading the "disclosure of interests" sheet on all applications I hear. To the best of my recollection, I have never voted on any item in which Mr. Carvajal had an interest.**

I hope that my answers are clear. Please let me know if you need any other clarification. I look forward to your reply on why this information is pertinent to a revised ethics opinion. Also, I may be reaching out to your department with a MAJOR concern I have with the processes involved on how ZAB members receive information regarding zoning matters that are before them.

Sincerely,

Julio R. Caceres

Office: (786) 596-7075

Fax: (786) 596-5960

Cell: (305) 218-6316

juliocac@baptisthealth.net

From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Monday, January 06, 2014 10:50 AM
To: Julio Caceres
Cc: Centorino, Joseph (COE)
Subject: FW: Ethics opinion INQ -13-310

Dear Mr. Caceres,

I hope you had a pleasant holiday season. I notice that we have not received an answer to our email dated 12-23. I am therefore sending the email again in case you did not receive it.

Please respond at you earliest convenience.
Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, December 23, 2013 3:00 PM
To: 'juliocac@baptisthealth.net'
Subject: FW: Ethics opinion INQ -13-310

Dear Mr. Caceres,

As you know we are revising INQ 13-310 which we sent o you earlier to reflect the County Code at Sections 20-41(C) and 33-307 which prohibit Zoning Appeals Board members from appearing in front of another Board. In order to revise the informal opinion we sent you, we would need the following information:

- 4) The nature of your relationship with Mr. Jorge Carvajal and Five Star Jewelry. Particularly if you have any business and/or financial interests with Mr. Carvajal or his business enterprises.

- 5) Whether you have appeared, or are planning to appear on behalf of Mr. Carvajal and his enterprises at any other Zoning Appeals Boards.
- 6) Whether you have voted in your Zoning Appeals Board (District 10) on any matters pertaining to Mr. Carvajal or any of his enterprises.

Thanks you for your cooperation. We look forward to hearing from you soon.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, December 12, 2013 4:30 PM
To: juliocac@baptisthealth.net
Cc: Centorino, Joseph (COE)
Subject: FW: Ethics opinion INQ -13-310

Dear Mr. Caceres,

We have received information that the County Code at Sections 20-41(C) and 33-307.1 prohibit you, as a Community Zoning Appeals Board member (for District 10), from appearing to advocate on behalf of a third person before a another board.

We are in the process of revising our INQ 3-310, shown below, to reflect the prohibition under the County Code. In the meantime, we wanted to advise you that that you may not use INQ 13-310 to appear before any boards since this type of appearance is clearly prohibited by the County Code. We will send you revised INQ 13-310 shortly. We apologize for any confusion this may have caused.

Please do not hesitate to contact me if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, December 09, 2013 3:47 PM
To: Ethics (COE)
Subject: RE: Ethics opinion

Dear Mr. Caceres,

You have inquired whether, as a sitting board member for the District 10 Zoning Appeals Board of Miami-Dade County, you may speak in favor of a zoning variance at a friend's hearing before another district's zoning appeals board.

The application for variance in this case has been filed by a friend of yours. You advise that at the variance hearing you will be speaking as a friend and a citizen, and that you are not being compensated for your appearance. You also advise that you have had no involvement in any part of the process leading up to the hearing.

Under Sec. 2-11.1 (m)(2) of the County Code, an advisory board member may not appear before the board on which he serves. In your case, since you are appearing before another board rather than your own, there would be no prohibition under Section (m)(2). However, we caution you that in order to avoid an appearance of impropriety, and to avoid the possibility of exploitation of official position, you should refrain from representing yourself as a board member at the meeting. Instead you should specify that you are appearing only as a friend and a citizen.

It was a pleasure speaking with you. Please do not hesitate to contact me if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco

Staff Attorney



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From: Ethics (COE)
Sent: Wednesday, December 04, 2013 1:04 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Ethics opinion

Please review and handle.

From: Julio Caceres [<mailto:JulioCac@baptisthealth.net>]
Sent: Wednesday, December 04, 2013 1:00 PM
To: Ethics (COE)
Subject: Ethics opinion

To Whom it May Concern,

My name is Julio Caceres. I am a sitting member on the District 10 Zoning Appeals Board of Miami-Dade County and have been for approximately 6 years.

A friend of mine, Mr. Jorge Carvajal (Five Star Jewelry), has a pending application before other Miami-Dade County Zoning Appeals Boards. I am in support of his application and plan to attend the meeting and speak in favor of it. My question is more for the benefit and clarification of the Board which will be hearing this application. It is to be noted that I am **not** receiving any compensation for my presence at that meeting and am doing so because I truly believe in the application and have seen how the type of variance requested by my friend has worked in other parts of Miami-Dade County. It should also be noted that I had no involvement in any of the process leading up to the hearing.

My Question is : Can a sitting Zoning Appeals Board member speak at a public hearing of another Zoning Appeals Board on behalf of an application when they are not being compensated in any way?

Please do not hesitate to contact me if you have any other questions regarding this request for opinion. Thanks beforehand for your attention to this matter.

Sincerely,
Julio Caceres
Mobile: (305)218-6316

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