

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Friday, February 22, 2013 2:08 PM
To: 'TPepe@southmiamifl.gov'
Subject: INQ - Thomas Pepe, City Attorney, City of South Miami

Mr. Pepe:

You have requested an opinion concerning whether Mr. Luigi Vitalini, who currently sits as a member of the City of South Miami Planning Board, has a prohibited conflict of interest in connection with his involvement as an architect working with a firm that is responding to a Letter of Request for Qualifications to be the developer of a mixed use development project in the City of South Miami. Mr. Vitalini is an architect by profession and would be contracting with the firm to provide architectural services in the event that the project were to be approved. At some point in the process the project would go before the Planning Board for approval.

This issue is governed by Section 2-11.1(o) of the Miami-Dade County Conflict of Interest and Code of Ethics, which provides that a public official, including a person serving on an advisory board, such as the Planning Board, may not acquire a financial interest in a project when that person believes or has reason to believe that the financial interest will be directly affected by his or her official actions or by official actions of the agency of which he or she is an official. Since his contractual relationship with the firm responding to the RFQ would amount to a "financial interest," and because that financial interest would be directly affected by the action of the Planning Board to approve or disapprove the project or some phase or aspect of the project, I have concluded that Mr. Vitalini may not acquire such an interest while a member of the Planning Board. At such time as Mr. Vitalini enters into a contract with such an entity he should not be a member of the Planning Board.

I would be happy to discuss this further with you.

Joseph M. Centorino

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