

Frigo, Victoria (COE)

From: Ethics (COE)
Sent: Tuesday, March 26, 2013 9:06 AM
To: 'Toufic Zakharia'
Cc: Frigo, Victoria (COE)
Subject: INQ - Toufic Zakharia, Community Council Member

Mr. Zakharia,

I am unaware of any outright prohibition against a member of a Community Council also being a member of a neighborhood homeowner association. Holding such positions simultaneously, however, could present some difficult conflicts and/or appearances of conflicts in connection with issues coming before your Community Council where those issues are also discussed and acted upon by your homeowner association. This is primarily because a Community Council member would be voting on zoning matters which are heard in quasi-judicial proceedings. In such instances, it would be necessary for you to avoid being part of any discussion about those issues outside of the Community Council hearing on the subject. This rule is known as the "Jennings" Rule, and violations of it could have serious consequences for the validity of actions taken by a public board where one of its members is involved in the violation. Since homeowner associations often get directly involved in zoning issues, this could be problematical for you. If this association is likely to be involved in any zoning issues that you can foresee coming before your board, I would advise against your becoming involved due to the difficulty of avoiding a Jennings violation. In the event that you were to hold both memberships, you would need to keep your role as a member of a private homeowner association entirely separate from your role as a Community Councilman in connection with any issue coming before your board. In some instances, you might be unable to vote or participate in the item coming before the board. Before proceeding on this, I would advise you also to speak with the Assistant County Attorney who advises your board.

Sincerely,
Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
305-579-2594

From: Toufic Zakharia [<mailto:touficzakharia@mail.com>]
Sent: Monday, March 25, 2013 8:22 PM
To: Ethics (COE)
Subject: Request about membership

To whom it may concern,

My name is Toufic Zakharia. I am a Miami Dade Community Councilman in the area of Westchester.

I would like to know what are the policies regarding a councilman being a member of a neighborhood homeowner association.

Thank you,

Toufic Zakharia