
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, June 13, 2014 2:50 PM
To: Sanchez, Rodzandra (COE)
Subject: Richard Weiss, Esq., Attorney for Village of Bal Harbour (voting conflict) INQ 14-140

INQ 14-140

From: Centorino, Joseph (COE)
Sent: Thursday, June 12, 2014 4:54 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Richard Weiss, Esq., Attorney for Village of Bal Harbour (voting conflict)

Richard Weiss, attorney for the Village of Bal Harbour, inquired regarding whether a council member would have a voting conflict in voting on the Village reimbursing the condominium building in which she resides for damage done to condo landscaping as a result of a Village street project. The amount of the damage came to \$3600, and the Village is to vote on paying that sum to compensate the condo association for the damage. Mr. Weiss was unaware of whether the council member was member of the condo board. I advised him that if she were a member of the board, she would have a prohibited conflict under Section 2-11.1(d) of the County Ethics Code that would clearly disqualify her. If not, the question would come down to whether she would stand to profit or be enhanced by the vote. According to Mr. Weiss, he believes there are approximately 100 condo residents. Although the fact that a large group of one hundred or more persons might be affected similarly by the vote is a factor that this agency has used in considering voting conflict questions (the State of Florida uses a 1% threshold as guidance in its voting conflict opinions), I opined to Mr. Weiss that the council member in question should not vote on the matter. The fact that the funds were going to be directly affecting a single property in which she had a financial interest is sufficient in my view to conclude that she might, directly or indirectly, profit or be enhanced by the council vote. Mr. Weiss indicated that he was in agreement with this opinion.

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov

