
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, December 16, 2014 12:29 PM
To: Sanchez, Rodzandra (COE)
Subject: Robert Yaffe, Esq., Member Miami-Dade County Board of Rules and Appeals (Appearances) INQ 14-286

INQ 14-286

From: Robert Yaffe [mailto:robert@robertyaffe.com]
Sent: Monday, December 15, 2014 3:30 PM
To: Centorino, Joseph (COE)
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: RE: INQ - Robert Yaffe, Esq., Member Miami-Dade County Board of Rules and Appeals (Appearances)

Thank you, Mr. Centorino.

Robert H. Yaffe, Esq.
Robert H. Yaffe, P.A.
12000 Biscayne Boulevard
Suite 511
Miami, Florida 33181
Tel: (305) 749-2341
robert@robertyaffe.com

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From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Monday, December 15, 2014 3:28 PM
To: 'Robert Yaffe'
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: INQ - Robert Yaffe, Esq., Member Miami-Dade County Board of Rules and Appeals (Appearances)

Mayor Yaffe:

You have inquired regarding whether you, as an attorney and a member of the Miami-Dade Board of Rules and Appeals (BORA), may represent a condominium association client before staff of the Miami-Dade County Department of Regulatory and Economic Resources (RER) in connection with a possible 40-year recertification violation involving your client. The issue in question is one that could come before the Unsafe Structures Board, one of several boards which, along with BORA, comes under RER. It is my understanding that the only way that such an issue could come before BORA would be if the association asserts it is exempt from the re-certification requirement, which it has not done. It is also my understanding that the Boards under RER share common staffing.

Since BORA is a quasi-judicial board, this matter falls within Section 2-11.1(m)(2) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, which would prohibit a board member from appearing “before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person.” It does not appear that the issue in question will be considered by the board on which you sit. However, since that board is part of the same agency that includes County personnel that you will be meeting with and the boards within that agency share common staffing, it is my opinion that your appearance before RER on the matter in question would fall within the prohibition of Section 2-11.1(m)(2). Accordingly, I would advise that you not represent the client in connection with this matter before the RER.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Robert Yaffe [<mailto:robert@robertyaffe.com>]
Sent: Thursday, December 11, 2014 11:28 AM
To: Centorino, Joseph (COE)
Subject: Request for Opinion

Dear Mr. Centorino:

I was appointed by the Miami-Dade County League of Cities to the Miami-Dade County Board of Rules and Appeals. I am also an elected official in the Town of Bay Harbor Islands.

As an attorney, I have a condominium association client (outside of the Town of Bay Harbor Island) which has received notice from Miami-Dade County regarding failure to timely perform a 40 year recertification. The president of the condominium association has requested that I accompany him to the county office which handles recertification to discuss the outstanding violation.

Earlier today, I spoke with Kathy Charles, a BORA staff member, regarding this issue and she advised me that the Unsafe Structures Board would enforce non-compliance with recertification and the issue should not come before the BORA unless the association asserts it is exempt from the re-certification requirement. The association has not made such an assertion. If it did, I would have to recuse myself.

I therefore ask you to advise me whether I may accompany my client to the office of the Miami-Dade County Department of Regulatory and Economic Resources and speak with the Building Official in connection with the notice of violation issued due to failure to recertify.

Thank you.

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