

Diaz-Greco, Gilma M. (COE)

From: Held, Gary <GaryHeld@miamibeachfl.gov>
Sent: Thursday, March 20, 2014 2:57 PM
To: Centorino, Joseph (COE)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: Re: INQ - Gary Held, First Assistant City Attorney, City of Miami Beach
Attachments: image001.png

Thank you!

Via iPhone

On Mar 20, 2014, at 2:56 PM, "Centorino, Joseph (COE)" <CENTORI@miamidade.gov<mailto:CENTORI@miamidade.gov>> wrote:

Gary, you can take it as generically applying to anyone on that board having a client come before the board. I do not read anything in the opinion in question as requiring a resignation.

From: Held, Gary [mailto:GaryHeld@miamibeachfl.gov]
Sent: Thursday, March 20, 2014 2:45 PM
To: Centorino, Joseph (COE)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: RE: INQ - Gary Held, First Assistant City Attorney, City of Miami Beach

Dear Joe- The matter didn't relate to Ms. Johnston directly. We were having a discussion about board member appointments and recusals before the City's Charter Review Committee, of which she is a member. It was in that context that she related the opinion that board members could not state a conflict and recuse themselves, but had to resign from the land use board to which they were appointed. I stated that was an incorrect statement of the law, after which she said she would forward to me the Miami-Dade Commission on Ethics opinions which she said so stated. I didn't think what she sent stated that, which is why I forwarded them to Ms. Frigo for clarification. I can take what you said below generically to confirm that my position is correct. Unless you'd like to restate it for the record, generically. Thank you.
Sincerely,
Gary

Gary M. Held, First Assistant City Attorney OFFICE OF THE CITY ATTORNEY, MIAMI BEACH
Tele: 305-673-7470 or 305-673-7000 ext. 6532

From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Thursday, March 20, 2014 2:39 PM
To: Held, Gary
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Gary Held, First Assistant City Attorney, City of Miami Beach

Gary,

It is my opinion that Ms. Johnston need not resign as a member of the Charter Review Board in the event that one of her clients should appear before the board. Section 2-11.1(v) of the County Ethics Code requires that she not vote on any matter presented to that board where she has a consultant or employee relationship with the person or entity that is

before the board, and she would be directly affected by the action of the board. Her client relationship with a person before her board would implicate this statute. I would suggest that she refrain from any participation in such matter, announce her recusal, leave the discussion and file the appropriate disclosure with the clerk within 15 days of the meeting. That should take care of the conflict. However, she were to have clients repeatedly coming before the board and, therefore, be faced with the need for multiple recusals, then I agree that the State Ethics Code may require her to resign from the board.

Sincerely,
Joe Centorino

From: Held, Gary [mailto:GaryHeld@miamibeachfl.gov]
Sent: Thursday, March 20, 2014 2:20 PM
To: Centorino, Joseph (COE)
Subject: RE: ethics issue

Joe- Only what was attached to her email, which may not have made it to you. See attached.
Gary

Gary M. Held, First Assistant City Attorney OFFICE OF THE CITY ATTORNEY, MIAMI BEACH
Tele: 305-673-7470 or 305-673-7000 ext. 6532

From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Thursday, March 20, 2014 2:08 PM
To: Held, Gary
Subject:

Gary, I am inclined to agree with you, but do you have a copy of the opinion referenced by Ms. Johnston.
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 18, 2014 10:01 AM
To: Centorino, Joseph (COE)
Subject: FW: 2-11.1(m) CRB discussion

Joe,
I just received this from Gary Held from Miami Beach. He sent it directly to Victoria instead of to COE. How do you want to handle this?
Mimi

From: Held, Gary [mailto:GaryHeld@miamibeachfl.gov]
Sent: Monday, March 17, 2014 4:55 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: 2-11.1(m) CRB discussion

Dear Frigo: Ms. Johnston presently serves on our Charter Review Board. In recent discussions about board member obligations, she conveyed the opinion that board members could not recuse themselves, but had to resign, if their clients appeared before their board. My understanding was that such result was only required if the client appearances were so frequent as to interfere with the board member's ability to serve as a member. Thus, infrequent declarations of conflict, and recusals, were permitted, for occasional client appearances. Can you clarify or confirm, or wish to discuss?

Thanks.
Sincerely,
Gary

Gary M. Held, First Assistant City Attorney OFFICE OF THE CITY ATTORNEY, MIAMI BEACH
Tele: 305-673-7470 or 305-673-7000 ext. 6532

From: Sarah Johnston [mailto:sjohnston@townofsurfsidefl.gov]
Sent: Wednesday, March 12, 2014 1:37 PM
To: Held, Gary; Turner, Debora
Subject: 2-11.1(m) CRB discussion

Good Afternoon,

Pursuant to the discussion at the March 10, 2014 Charter Review Board Meeting I have attached correspondence from the Commission on Ethics related to the certain appearances provision. This may not be applicable but it is enclosed for your review.

Thank you.

<image001.png>

Sarah Johnston
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