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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, April 03, 2014 10:02 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Ethics Opinion INQ 14-69

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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, March 18, 2014 6:14 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Gerald Sanchez, Assistant County Attorney (Voting Conflict)

Gerald Sanchez, Assistant County Attorney, inquired regarding a possible conflict of interest for a member of a Construction Trade Qualifying Board, a quasi-judicial County board. The member in question is a contractor who has a contract with a condominium that has filed a complaint before the board he sits on. The complaint is against another contractor whose work is separate from and in no way connected to the work performed by the member's company.

The question falls under Section 2-11.1(v) of the County Code of Ethics, dealing with voting conflict for members of Advisory and Quasi-Judicial Boards. A member of such a board may not vote on a matter if the member will be directly affected by the action and the member has a specified relationship with a person or entity coming before the board, which includes consultant and employee. It would appear that the members employment as a contractor for the condominium in question would qualify as such a special relationship. While it is not certain that the member will be directly affected by the vote, there are strong reasons to be concerned that his relationship with the condominium could be directly affected. The perception of the condominium management on the contractor's vote could well be a factor in any decision to continue or increase the existing contract or to terminate it. There is also a strong appearance that the independence of judgement required of all public servants under Section 2-11.1(j) would also be affected. Therefore, I advised Mr. Sanchez that the individual in question should recuse himself or herself from the vote before the board.

### *Joseph M. Centorino*

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