

Via First Class Mail
and
email at mariesteril@aol.com

ETHICS COMMISSIONERS

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MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

March 14, 2012

Councilwoman Marie E. Steril
City of North Miami City Hall
776 NE 125th St.
North Miami, FL 33161

Re: RQO 12-03

Gifts, *See* Miami-Dade Co. Code at Sec. 2-11.1 (e).

Dear Councilwoman Steril:

In a public meeting on March 1, 2012, the Miami-Dade Ethics Commission recommended that you recuse yourself from voting on matters related to leasing the city-owned property, Biscayne Landing, to Michael Swerdlow.¹

The Ethics Commission found that an appearance of impropriety would be created if you voted on this matter in light of the following facts:

- Mr. Swerdlow is a land developer who was seeking approval from the North Miami City Council to lease and build a major project on Biscayne Landing.
- Mr. Swerdlow donated gifts totaling \$6,000 to The Family Corners, Inc., a small nonprofit organization that you founded and which employs you as Executive Director.²
- Mr. Swerdlow's gifts were donated during the same time period in which the Biscayne Landing project was being discussed by the City Council—and shortly before the vote involving Mr. Swerdlow on March 13, 2012.

The County Ethics Code prohibits an elected official from accepting gifts in exchange for "an official public action taken or to be taken, or which could be taken."³

¹ At the North Miami Council Meeting of Mar. 13, 2012, you recused yourself from voting on the Swerdlow matter.

² We understand that The Family Corners, Inc., returned gifts totaling \$6,000 to Mr. Swerdlow. Consequently, the Ethics Commission suggested that you may vote on future issues related to Mr. Swerdlow.

³ Miami-Dade Co. Code at Sec. 2-11.1 (e)(3)(a).

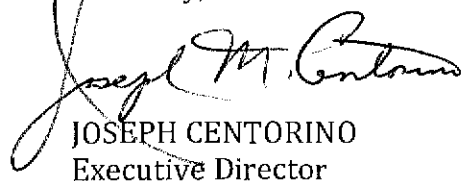
The Ethics Commission acknowledges that your employer, not you personally, received gifts from Mr. Swerdlow. Recognizing that there is no evidence that you intended to act unethically or that you violated the County Ethics Code, a reasonable person might nevertheless assume that Mr. Swerdlow's gifts were given to influence your vote.⁴

The Ethics Commission emphasized that its recommendation was based on a unique set of facts that may not be relevant to future opinions related to gifts given to nonprofit organizations that employ elected officials.

This recommendation construes the Miami-Dade County Ethics Code and is not applicable to conflicts under other County, municipal or state laws. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH CENTORINO
Executive Director

c: Regine Monestime, City Attorney, City of North Miami at rmonestime@northmiamifl.gov

⁴ State law allows a local elected official to recuse herself from a vote if there is or "appears to be, a possible conflict of interest." Fla. Stat. at Sec. 286.012 (2011).