



Via First Class Mail
and
email at gerardp@miamidade.gov

January 25, 2012

ETHICS COMMISSIONERS

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Gerard Philippeaux, Chief of Staff
Office of County Commissioner Jean Monestime
District 2 Downtown Office
111 NW 1st Street, Suite 220
Miami, FL 33128

Re: RQO 12-04

Appearance of a Voting Conflict related to Northside Centre LLC
See Miami-Dade Co. Code at Sec. 2-11.1 (d).

Dear Mr. Philippeaux:

In a public meeting on January 24, 2012, the Miami-Dade Ethics Commission strongly recommended that Commissioner Jean Monestime abstain from voting on any matters related to his landlord or the spouse of his landlord.

You have stated that Commissioner Monestime has a landlord-tenant relationship with the spouse of an owner of Northside Centre LLC. A recent resolution sponsored by Commissioner Monestime allocates \$3,000,000 from the "Building Better Communities General Obligation Bond Program" to fund public infrastructure improvements at a Northside Centre shopping center.¹

Although the County Ethics Code at Sec. 2-11.1 (d) does not specifically prohibit the Commissioner from voting on matters related to his landlord and the spouse of his landlord, the Ethics Commission strongly recommended recusal in order to avoid an appearance of impropriety. A similar recommendation was given to a Homestead Zoning Board member whose landlord was an attorney representing clients before the Zoning Board. The Ethics Commission reasoned that a perceived conflict of interest is created by the landlord-tenant relationship, even absent an actual conflict.²

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County 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

¹ Miami-Dade Co. Resolution File No. 112509.

² Miami-Dade Ethics Commission opinion RQO 07-12.