



To: Leonard Roberts, Economic Development Assistant Director

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Board Member Conflict of Interest

Date: August 13, 2018

Under Sec. 2-11.1(v) of the Miami-Dade Ethics Code, “no...(advisory personnel)...shall vote on any matter presented to an advisory board...on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; (ii) stockholder, bondholder, debtor or creditor.”

My understanding is that aside from being Mr. Morris’ wife, Ms. Morris is also an employee of Allen Morris & Company; thereby implicating this provision of the Miami-Dade Ethics Code.

In addition, Sec. 2-11.1(n) of the Miami-Dade Ethics Code and Sec. 2-296 of the City’s Ethics Code provides that, “no advisory personnel...shall participate in any official action directly or indirectly affecting a business in which that person or a member of his immediate family has a financial interest...” Both the Miami-Dade Ethics Code and the City Ethics Code include “spouse” in the definition of “immediately family.” Mr. Morris undoubtedly has a financial interest in Allen Morris and Company therefore, Ms. Morris is prohibited from participating in any matter involving Allen Morris and Company.

Lastly, under Sec. 112.3143(4), F.S., “no appointed public officer shall participate in any matter which would inure to the officer’s special private gain or loss...or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer without first disclosing the nature of his or her interest in the matter.” Florida Statutes includes “wife” in the definition of “relative.” Thus, similarly under this provision, Ms. Morris cannot participate in the matter.

Any appointed official that has a voting conflict under any of the sections included above must, in order to comply with both State law and the Miami-Dade County Ethics Code, announce the

conflict, not participate in the discussion of the item, leave the room while the item is being discussed, and file the appropriate form. Consequently, it stands to reason that no official that has a voting conflict should bring up the matter for discussion when it is not placed on the board's agenda.

The opinion is issued pursuant to Secs. 2-252(e)(1) and (8) and 2-300 of the City Code.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Cc: [Suarez, Cristina](#); [Throckmorton, Stephanie](#); [Ceballos, Gustavo](#)
Subject: FW: Board Meetings
Date: Monday, August 13, 2018 6:00:48 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Enga, please publish.

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

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City, County, and Local Government Law
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From: Ramos, Miriam
Sent: Monday, August 13, 2018 5:56 PM
To: Roberts, Leonard <lroberts@coralgables.com>
Cc: Price, Mariana <mprice@coralgables.com>
Subject: RE: Board Meetings

Leonard,

Under Sec. 2-11.1(v) of the Miami-Dade Ethics Code, “no...(advisory personnel) ...shall vote on any matter presented to an advisory board...on which the

person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; (ii) stockholder, bondholder, debtor or creditor.”

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Miriam Soler Ramos, Esq., B.C.S.

City Attorney

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From: Roberts, Leonard
Sent: Friday, August 10, 2018 2:17 PM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Price, Mariana <mprice@coralgables.com>
Subject: Board Meetings

Miriam, the City is currently negotiating with the CGCC (Allen Morris & Company and the Related Group) for the redevelopment of the City-owned Garage 1 & 4 authorized by an RFP. A member of our Economic Development Board (EDB), June Morris, is the wife Allen Morris & Company’s principal, Allen Morris. On a couple of occasions she has asked during the board meetings when will the EDB discuss the RFP and why it hasn’t discussed it during its meeting. She’s also provided opinions related to the process to date. The topic has not been on the board agendas. Since she is a relative of the principal, I wasn’t sure how to address. Can you please opine?

Thanks,

Leonard Roberts, CPA
Economic Development Assistant Director

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