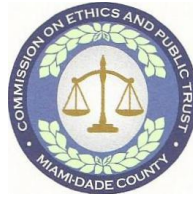


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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June 5, 2024

Via Electronic Mail Only:
mcastro@coralgables.com

Honorable Melissa Castro
Coral Gables Commissioner
Coral Gables City Hall
405 Biltmore Way
Coral Gables, Florida 33134

Re: **RQO 2024-02** issued to Commissioner Melissa Castro, Prohibited Appearances and Payments, Section 2-11.1(m)(1), Miami-Dade Code

Dear Commissioner Castro:

At a public hearing on March 13, 2024, the Miami-Dade County Commission on Ethics and Public Trust (hereinafter, “Ethics Commission”) considered your request for an advisory ethics opinion and opined that you may be employed as the chief executive officer and owner of a permit expediting company that represents clients in your city.

At a subsequent public hearing on May 15, 2024, the Ethics Commission directed that you be provided additional and more specific guidance.

You were elected to the Coral Gables City Commission in April 2023. The city has a manager form of government and commissioners are not involved in the direct supervision of employees. However, in legislative and quasi-judicial roles, commissioners are called upon to consider and vote upon matters relating to real property located in the city. Also, commissioners are likely to have contact with city employees.

You are the owner and chief executive officer of M.E.D. Expeditors, Inc., a Florida for-profit corporation (MED). MED assists clients with obtaining construction permits and other municipal approvals. While MED provides services across the United States, its corporate base is in the Coral

Gables, and it provides services to clients with projects in the city. Because your company represents clients in Coral Gables, then you and your employees regularly interact with city staff.

In interpreting Section 2-11.1(m)(1) of the Miami-Dade Code, the Ethics Commission opined that an official and his or her private company employees may represent clients engaging with the official's city, as long as the contacts or representation are limited to ministerial matters or simple informational requests. If the contacts or representation involve advocacy on the part of the official or the employees and requires responsive decision-making or discretionary action by a city official, board member, or employee, then a prohibited conflict of interest may be found.

Consequently, you and your employees should refrain from any contacts or representational activities on behalf of clients engaging with your city if these involve advocacy on your part or that of your employees and any responsive discretionary action by a city official, board member or employee.

Specific examples of conduct that you and your employees should refrain from include, but are not limited to, the following:

- Representation of code violators at appeal hearings or settlement negotiations before municipal staff or boards. ¹
- Seeking a zoning modification or variance from municipal staff or boards. ²
- Seeking modifications to plans or permits from municipal staff or boards. ³
- Seeking to reinstate an expired permit or process number. ⁴
- Seeking to persuade municipal staff that a permit, plan review, or inspection is not required for a project. ⁵
- Seeking the assignment or reassignment of a particular building official to a project. ⁶

Also, expert testimony received by the Ethics Commission in this matter revealed established that the building or construction permitting process can be complicated, and over a period of time on a particular project, may require multiple interactions between property owners, architects, engineers, contractors, attorneys, or permit expeditors on the on side, and municipal staff on the

¹ See generally RQO 04-33 (Relating to interpretation of related Section 2-11.1(q), Continuing application after county service, and Section 2-11.1(s), Principal and Lobbyist Registration, as applied to building permitting processes.)

² Ibid.

³ Ibid.

⁴ See generally RQO 04-184 (Relating to the interpretation of related Section 2-11.1(s), Principal and Lobbyist Registration, as applied to building permitting processes.)

⁵ Ibid.

⁶ Ibid.

other. Consequently, it is very difficult within the context of an ethics opinion to address every possible or nuanced interaction.

Consequently, this opinion provides you both broad cautionary guidance and several specific examples of transactions that you and your employees should avoid so as not to violate the cited provision of the Ethics Code. Moreover, you are strongly encouraged to seek further guidance regarding any activities that may be fairly perceived as constituting advocacy on behalf of a client or result in responsive decision making or discretionary action by a municipal employee or board.

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and for requesting guidance on this issue.

If you have any questions regarding this opinion, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Arrojo".

Jose J. Arrojo
Executive Director

cc: David Winker, Esq.
Robert Meyers, Esq.
All Commission on Ethics Legal Staff