



To: Commissioner Vince Lago

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Permissible Activities by City Commissioner in Relation to His Sibling

Date: January 7, 2016

City of Coral Gables Commissioner Vince Lago has a sibling, Carlos Lago (Mr. Lago), who is employed by the law firm of Greenberg Traurig (GT) as an attorney. Mr. Lago was hired by GT on February 1, 2013, two months before Commissioner Lago was elected to serve on the Coral Gables Commission. GT has 1,730 lawyers and is the 12th largest law firm in the United States. Mr. Lago is an Associate of the firm who concentrates his practice in the area of government affairs and land use.

Although Mr. Lago does not conduct business in the City of Coral Gables, our office has been asked to analyze any potential conflicts of interest that could arise, should he and/or another attorney employed by GT wish to conduct business in the City. This opinion's analyzes only conflicts that may exist due to the sibling relationship between the Commissioner and Mr. Lago and contemplates only Mr. Lago's current employment arrangement.

State Law:

Sec. 112.3143, F.S., governs voting conflicts for elected officials. This section defines "relative" as "any father, mother, son, daughter, husband, wife, **brother**, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law." This section also provides that, in order for a voting conflict to exist, the item being voted on must inure to the elected official's special private gain or loss or to the special gain or loss of a relative or business associate of the public officer. A "special private gain or loss" is defined as "an economic benefit or harm that would inure to the officer or his relative." If Mr. Lago were the principal of an entity seeking a contract from the Commission, Commissioner Lago would have a voting conflict. Similarly, if Mr. Lago were seeking action from the Commission that would benefit him directly, Commissioner Lago would likely have a voting conflict, although that would depend on: "(1) the size of the class affected by the vote, (2) the nature of the interests involved, (3) the degree to which the interests of all members of the class are affected by the vote, and (4) the degree to which the officer, his or her relative...receives a greater benefit or harm when compared to other members of the class." Sec. 112.3143(1)(d).

In the context of this opinion, Mr. Lago is a lawyer who would appear only in representation of a third party. A voting conflict would not exist. First, the “benefit or loss” would be to the third party, not to Mr. Lago. Second, Mr. Lago is an associate of a very large law firm, thus, the outcome of his representation before the City Commission would not result in a “special private benefit or loss” to him personally. Lastly, Mr. Lago’s areas of practice are not customarily ones where contingency fee agreements are used¹ therefore GT is likely to receive the same amount of compensation from their client regardless of the outcome of the matter handled by Mr. Lago. In conclusion, Commission Lago is permitted to vote on a matter brought before the City Commission by Mr. Lago on behalf of a client of GT. Likewise, Commissioner Lago may vote on a matter brought before the City Commission by any GT attorney representing a third party (assuming no conflict exist under other provisions of the law).

Miami-Dade County Ethics Code:

Sec. 2-11.1(b)(9) of the Miami-Dade Code, excludes siblings from the definition of “immediate family” and states, “[t]he term ‘immediate family’ shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.” Thus, the provisions of the Miami-Dade County Ethics Code do not apply to the analysis at hand.

City of Coral Gables Ethics Code:

Sec. 2-225 of the Coral Gables Code defines “immediate family” as “the spouse, parents, children, **brothers** and sisters of the person involved.” Under the Coral Gables Ethics Code, there is only one provision that is relevant to this analysis. Sec. 2-233 states that “no...commissioner...shall participate in any official action directly or indirectly affecting a business in which that person or a member of the immediate family has a financial interest. A financial interest is defined in this subsection to include, but not be limited to, any direct or indirect interest in any investment, equity or debt.”

In the contemplated scenario, Commissioner Lago may participate in any official action where his brother is representing a third party, as the action would not directly or indirectly affect a business in which Commissioner Lago’s brother has a financial interest. As explained above, Mr. Lago is simply an employee of a very large law firm. His relationship with the firm does not rise of the level of a financial interest for purposes of this section. Commissioner Lago may also participate in a matter where there the individual or entity is represented by any GT attorney (assuming no conflict exists under other provisions of the law).

¹ In fact, the County Ethics Code disallows contingency fee agreements for lobbyists (any person retained by a principal who seeks to encourage passage, defeat or modification of an item). Sec. 2-11.1(s)(7). It should be noted however, that Mr. Lago has never been a registered lobbyist in the City of Coral Gables and has never represented a third party before the City of Coral Gables Commission.

CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE

OPINION REGARDING PERMISSIBLE ACTIVITIES BY CITY COMMISSIONER
IN RELATION TO HIS SIBLING

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1/7/2016

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From: [Leen, Craig](#)
To: [Ramos, Miriam](#); [Lago, Vince](#)
Cc: [Paulk, Enga](#)
Subject: RE: Opinion - Permissible activities re. sibling
Date: Thursday, January 07, 2016 5:17:42 PM
Attachments: [image001.png](#)
[image002.png](#)

Please publish as a City Attorney Opinion.

Craig E. Leen, City Attorney

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City, County and Local Government Law*
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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Ramos, Miriam
Sent: Thursday, January 07, 2016 4:44 PM
To: Lago, Vince
Cc: Leen, Craig; Paulk, Enga
Subject: Opinion - Permissible activities re. sibling

Dear Commissioner Lago,

Attached please find the opinion regarding permissible activities by you in relation to your brother, Carlos Lago.

Should you have any questions or wish to discuss, please do not hesitate to call me directly.

Sincerely,

Miriam S. Ramos, Esq.

Deputy City Attorney
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(305) 460-5084 direct dial



Celebrating 90 years of a dream realized.

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