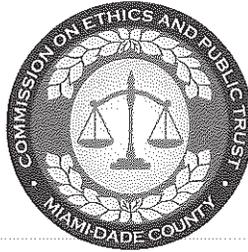


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

COMMISSIONERS

Nelson Bellido, CHAIRMAN
Judge Lawrence Schwartz, VICE CHAIR
Juan Carlos Bermudez
Judith Bernier
Marcia Narine



EXECUTIVE STAFF

Joseph M. Centorino
EXECUTIVE DIRECTOR
GENERAL COUNSEL
Michael P. Murawski
ADVOCATE
Miriam S. Ramos
DEPUTY GENERAL COUNSEL

April 8, 2015

Stanley J. Krieger, Esq.
2060 Biscayne Blvd., 2nd Floor
Miami, Florida 33137

Re: INQ 15-61

Dear Mr. Krieger:

In your letter of February 25, 2015, you requested an opinion regarding whether your employment as General Counsel of Braman Management Association would create a conflict of interest for you under the Miami-Dade Code of Ethics, where you are a member of the City of Miami Charter Review and Reform Committee (CMCRRC) and where Norman Braman has a lawsuit pending against the City of Miami concerning the Bayside lease extension and the Skyline Miami Project.

You explained in your letter that the Office of the City Attorney for the City of Miami provided you with a written opinion on this issue on February 17, 2015 (attached hereto as exhibit A). The City Attorney's Office (CAO) opined, after reviewing City and County Ethics Codes, as well as Chapter 112, Florida Statutes, that "employment simply as corporate counsel for a company owned by another individual while that individual is separately engaged in legal action against the City does not give rise to a conflict of interest." Furthermore, the CAO opined that your direct participation on the CMCRRC is not prevented. It was further suggested that you obtain an opinion from this office as well as from the Florida Commission on Ethics on this matter.

This opinion only analyzes the facts provided, under the Miami-Dade Conflict of Interest and Code of Ethics Ordinance. Four sections in the ordinance are relevant to the analysis at hand.

Sec. 2-11.1(v) states that board members, "shall not 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...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; or (ii) stockholder, bondholder, debtor or creditor.” Therefore, you would only have a voting conflict if Braman Management Association were to appear before the CMCRRC and you would be directly affected by the board’s action. Based on the facts you have provided, it is not anticipated that any vote by you as a member of the CMCRRC would directly affect you so it is unlikely that a conflict would arise under this section.

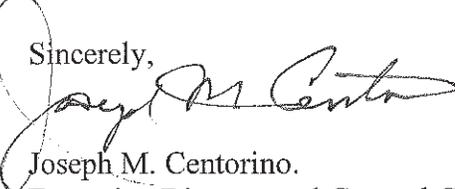
Pursuant to Sec. 2-11.1(m)(2), board members may not appear before their own board, “either directly or through an associate, to make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person.” This section should not create a problem since it is highly unlikely that you would appear before the CMCRRC on behalf of Braman Management Association, Norman Braman, or any other third party.

You should also be mindful of Sec. 2-11.1(g) which prohibits the use of your official position at a CRRC member to secure special privileges or exemptions for yourself or others; and Sec. 2-11.1(j), which would disallow you, as a board member, from having private employment that would impair your independence of judgment in the performance of your public duties.

Finally, you have advised that the CMCRRC would not be addressing any proposed change to the Charter that would affect the lawsuit. However, in the unlikely event that a proposed change to a section of the Charter that may have a bearing on the suit should come before the CMCRRC, even if the revision would not affect the lawsuit, I suggest that you not participate in any discussion or vote on any such change in order to avoid any appearance of impropriety.

If you have any questions please feel free to call me at (305) 579-2594.

Sincerely,



Joseph M. Centorino.

Executive Director and General Counsel

cc: Victoria Mendez, City Attorney