

Meyers, Robert (COE)

INQ 06-25

From: Meyers, Robert (COE)
Sent: Friday, February 17, 2006 11:31 AM
To: Martinez, Joe A.(Office of the Chair)
Cc: Greenberg, Murray A (CAO)
Subject: RE: Ethics opinion

Chairman Martinez,

After summarizing the relevant facts, I will provide you with an opinion. Obviously, you understand that my opinion is based on the facts you have given me. Your boss, who also owns the company that employs you, sits on a non-governmental board, BASF. Another BASF board member, either individually or through his company, has application for inclusion in the trim notice for a community development district. This application is coming before the Board of County Commissioners on Tuesday, February 21, 2006 and you wish to know whether a voting conflict is created if you participate in or vote on this application.

In order for a voting conflict to exist under the County Conflict of Interest and Code of Ethics Ordinance, one of two conditions must be met: either you must have a special relationship with the applicant or party, as defined in the Code, or you must benefit from the decision in a manner distinct from the manner in which it would affect the public generally. In this particular case you have no special association or relationship with the applicant. The applicant simply sits on a private board along with your boss and the authority of the BASF board is completely unrelated to your private employment. Furthermore, you will not profit from or be enhanced by any action or decision of the County Commissioner with respect to this application. Accordingly, no voting conflict exists that would prohibit you from participating in the discussion or voting on this item.

If you wish to discuss the above with me, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers

-----Original Message-----

From: Martinez, Joe A. (Office of the Chair)
Sent: Friday, February 17, 2006 10:22 AM
To: Meyers, Robert (COE)
Subject: Re: Ethics opinion

I already gave my staff back the books so I can't give you the item. Basically, my boss and owner of the company sits on the board of BASF. He was recently named a vice president of either the board or in charge of the fishing tournament. I only know this because the Mayor's I mean the Herald reporter is writing a story and she mentioned this. I don't keep up nor really care what private boards or association he joins or serves in so I wasn't aware of it. Nevertheless, there is either a gentleman or company rep by the name of Horton who also sits on the board. He or the co. has an application for inclusion in the trim notice for a CDD. I never would have noticed the name except this one has a huge background attached to it and it caught my attention. If not, I would have glossed over it. Again, is this a conflict for me or should I tell my boss what boards he can be active in or which ones he cannot join. To me at least it seems presumptuous to tell my boss what he can do or not simply because I am an elected official. In reality I am merely one of his five hundred or so employees. I hope I answered your questionsm. Thanks. JM

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Meyers, Robert (COE)
To: Martinez, Joe A. (Office of the Chair)
Sent: Fri Feb 17 10:06:27 2006
Subject: RE: Ethics opinion

Can you provide me with the number of that agenda item and give me some more specifics about the connection between BASF, your boss, and the CDD. If I can't get you an opinion by the end of the day today, I will have it for you before the start of the BCC meeting on Tuesday.

Robert Meyers

-----Original Message-----

From: Martinez, Joe A. (Office of the Chair)
Sent: Thursday, February 16, 2006 8:41 PM
To: Meyers, Robert (COE)
Subject: Re: Ethics opinion

Amendment to previous response. Pls acknowledge receipt. I was just reviewing Tuesday's agenda and there is one item regarding a CDD that might apply to question #4 which had to do with my boss being on the board of the BASF. Thank you. JM

It is of the essence however

we will wait until March. Thank you. JM -----Original Message-----

From: Meyers, Robert (COE)
To: Joe Martinez
Sent: Feb 16, 2006 4:02 PM
Subject: RE: Ethics opinion

Chairman Martinez,

I always support all of the opinions our office issues without hesitation but some times a requester doesn't provide us with all of the relevant facts and these newly-discovered facts may yield different results. Because virtually all of the requests are voluntary in nature and we have issued over 800 opinions in 7 years, we accept as truthful and accurate the facts that are asserted by the requester. If we had to conduct a full-blown investigation of every request for opinion -- the BCC would have to triple our budget. Our analysis, as is the analysis of the Florida Commission on Ethics, is generally confined to applying the law to the facts we are given. The process for investigating alleged misconduct is much different. In those situations, we conduct a comprehensive investigation of the matters brought to our attention -- which may include taking witness statements, inspecting documents, issuing subpoenas, etc. I doubt I am telling you anything you aren't aware of as a former police officer.

If time is not of this essence with respect to your questions, then I would prefer to have the full Ethics Commission issue an opinion at its next meeting. What this means is that I will have a written opinion for you no later than March 10th.

If you wish to discuss the above with me, please contact me at your convenience.

Thanks,

Robert Meyers

-----Original Message-----

From: Martinez, Joe A. (Office of the Chair)
Sent: Thursday, February 16, 2006 2:50 PM
To: Meyers, Robert (COE)
Cc: Greenberg, Murray A (CAO)
Subject: Re: Ethics opinion

Dr Meyers: Use whichever method you feel will provide the most thorough review and which will render an opinion that the COE will be able to support without hesitation. I trust you will make the correct choice and advise me so I know for when to expect your opinion. Thank you very much. JM -----Original Message-----

From: Meyers, Robert (COE)
To: Joe Martinez
Sent: Feb 16, 2006 2:26 PM
Subject: RE: Ethics opinion

Chairman Martinez,

Yes, I thoroughly reviewed the IG report. Regarding your questions, I can proceed in one of two ways: 1) Consult with our staff general counsel and then present my thoughts to the chairman of the Ethics Commission for his review and have something back to you no later than the middle of next week or 2) Wait until March 9th (our next Ethics Commission meeting) and present the questions at that time and give you an opinion that day or the following day. Let me know if you have a preference.

Thanks,

Robert Meyers

-----Original Message-----

From: Martinez, Joe A. (Office of the Chair)
Sent: Wednesday, February 15, 2006 5:13 PM
To: Meyers, Robert (COE)
Cc: Greenberg, Murray A (CAO); Mazzella, Christopher (OIG)
Subject: Ethics opinion

I assume you have had an opportunity to thoroughly review the Inspector Generals report concerning not only the purchase of the lot but they also interviewed every single contractor and subcontractor. To that end I need clarification on a few points. I have two very good friends whom I have known for about fifteen years. One, Jorge Guerra, is assisting me in building the home as he has the knowledge and contacts with subs to obtain the best price and quality. Additionally, his company is doing the drywall and will be compensated accordingly. His son, George jr., has a GC license and pulled the master building permit. I know you all know this but I feel I must write it again.
Question #1. Senior is a friend and

-----Original Message Truncated-----

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)