



INQ 04-62

**ETHICS COMMISSIONERS**

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ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

June 14, 2004

The Honorable Ileene S. Wallace  
9300 West Bay Harbor Drive  
Bay Harbor Islands, FL 33154

**RE: Request for Opinion**

Dear Commissioner Wallace:

You requested an opinion regarding any potential voting conflicts as they relate to your husband's involvement in a local civic group, the Bay Harbor Islands Citizen's Coalition ["the Coalition"].

In your letter to the Ethics Commission, you state that your husband is the Administrative Director of the Coalition; this is an unpaid position. You further indicate that the Coalition is a volunteer organization with no paid staff. You are not a member. The Coalition is an active group in Bay Harbor Islands and takes positions and makes appearances before the town council on a wide variety of issues, such as land use and development.

You present two specific questions for consideration:

1. Must a member of a town council recuse herself and not vote on any matter (before the town council or any governmental board upon which she sits) when an organization, of which her husband is a member and an un-paid "administrative director," makes a presentation?
2. Must a member of a town council recuse herself and not vote on any matter (before the town council or any governmental board upon which she sits) when her husband makes a presentation, either on behalf of himself or on behalf of an organization of which he is a member and an un-paid "administrative director?"

Under the Conflict of Interest and Code of Ethics Ordinance you are not prohibited from participating in and voting on

matters where the Coalition or your husband appears.  
Section 2-11.1 (d) provides,

Additionally, no person included in the term defined in subsection (b) (1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary... or if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally.

Accordingly, as a general rule, you are prohibited from participating in and voting on matters where you have one of the enumerated relationships with the persons or entities affected or where you would benefit in some distinct or unique manner. The Code of Ethics requires that officials who have a voting conflict absent themselves from the meeting during the discussion of the item.

With regard to question one, you are not prohibited from participating in or voting on a matter in which the Coalition makes a presentation or takes a position. You do not have any of the enumerated relationships with the Coalition, i.e., you are not an officer, director, etc...of the Coalition. However should you become an officer or director of the organization, even if the position is unpaid, you would be prohibited from voting on matters presented to the Town Council involving the Coalition. [See, RQO 03-06] Further, you would have to recuse yourself if a matter before the Council would affect you in a manner distinct from the way it would affect the general public.

With regard to question two, you are not precluded from participating in or voting on a matter in which your husband appears either on his behalf or on behalf of the Coalition. However, should the matter involve your husband's business or a project in which your husband's financial interests may be affected, you may have a prohibited voting conflict. Or, for example, if the Coalition appears before the Town Council seeking funding, you may want to recuse yourself from the matter in order to minimize any appearances of impropriety.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director

Cc: Craig Sherman, Esq., Town Attorney

To: (MISSISSIPPI) WALLACE From: PPKIL  
 Fax: 804-0180 Pages:  
 Phone: Date: 6/14/04  
 Re: PPO CC:

Urgent  For Review  Please Comment  Please Reply  Please Recycle

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TRANSMISSION VERIFICATION REPORT

**Prkic, Christina (COE)**

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**From:** Ileene S. Wallace [iswallace@the-  
**Sent:** Wednesday, June 09, 2004 4:47 PM  
**To:** Christina Prkic  
**Subject:** Ethics Opinion Letter Miami-Dade.doc

COUNCILWOMAN ILEENE S. WALLACE  
9300 WEST BAY HARBOR DRIVE  
BAY HARBOR ISL., FL 33154  
Ph. 305/864-8614 -fax. 305/864-0480  
e-mail [iswallace@the-beach.net](mailto:iswallace@the-beach.net)

June 9, 2004 Sent via e-mail to [cprkic@miamidade.gov](mailto:cprkic@miamidade.gov)

Christina Prkic, Esq.  
Miami-Dade County Commission on  
Ethics and Public Trust  
19 W. Flagler Street, Suite 207  
Miami, FL 33130

**RE: REQUEST FOR ETHICS OPINION**

Dear Ms. Prkic:

I am a newly elected member of the town council of the Town of Bay Harbor Islands in Miami-Dade County. My husband is an officer of a local civic group, the Bay Harbor Islands Citizen's Coalition. His title is Administrative Director. This is an unpaid position. In fact the group has an all-voluntary membership and it has no employees—paid or unpaid. The coalition is an active group that takes stands on and appears before the town council on a wide variety of town issues.

As a member of the town council, I am particularly concerned with compliance with statutory ethics regulations as well as any appearance of impropriety on my part. Therefore, I request a written opinion from your office on the following questions:

1. Must a member of a town council recuse herself and not vote on any matter (before the town council of any governmental board upon which she sits) upon which an organization—of which her husband is a member and an un-paid "administrative director"—makes a presentation?
2. Must a member of a town council recuse herself and not vote on any matter (before the town council or any governmental board upon which she sits) upon which her husband makes a presentation, either on behalf of himself or on behalf of an organization of which he is a member of un-paid "administrative director"?

Thank you for your consideration of this request.

6/9/04

Sincerely,

*Ileene S. Wallace*  
Councilwoman Ileene S. Wallace,

Cc: Craig Sherman Town Attorney

6/9/04

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COUNCILWOMAN ILEENE S. WALLACE  
9300 WEST BAY HARBOR DRIVE  
BAY HARBOR ISL., FL 33154  
Ph. 305/864-8614 -fax. 305/864-0480  
e-mail iswallace@the-beach.net

COPY

June 6, 2004

Bonnie J. Williams  
Executive Director  
Commission on Ethics  
3600 Maclay Boulevard, Suite 201  
Tallahassee, FL 32312

**RE: REQUEST FOR ETHICS OPINION**

Dear Ms. Williams:

I am a newly elected member of the town council of the Town of Bay Harbor Islands in Miami-Dade County. My husband is an officer of a local civic group, the Bay Harbor Islands Citizen's Coalition. His title is Administrative Director. This is an unpaid position. In fact the group has an all-voluntary membership and it has no employees—paid or unpaid. The coalition is an active group that takes stands on and appears before the town council on a wide variety of town issues.

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Thank you for your consideration of this request.

Sincerely,



Councilwoman Ileene S. Wallace,

Cc: Craig Sherman Town Attorney  
Ardyth Walker, Miami-Dade County Commission on Ethics