



August 14, 2003

Robert Chisholm
RE Chisholm Architects, Inc.
7254 S.W. 48th Street
Miami, FL 33155

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EXECUTIVE DIRECTOR

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mr. Chisholm,

On July 28, 2003, I sent you a letter based upon a request for opinion regarding any conflicts that could potentially relate to your service on the Planning and Zoning (P & Z) Board for the City of Coral Gables. I advised you that under Section 2-11.1 (v) of the Conflict of Interest and Code of Ethics Ordinance you would not be permitted to vote on matters coming to your Board that involved your firm and its clients. However, I should have pointed out to you another provision of the County Code of Ethics that could impact your decision to sit on the P & Z Board as well.

Specifically, 2-11.1 (m)(2) covers board members who appear before their own boards, either directly or through an associate. Furthermore, this provision also addresses board members who receive compensation, directly or indirectly, from third parties who appear before their boards. In effect, if your client seeks a benefit from the P & Z Board, you cannot sit on this board if the benefit sought by your client is connected to the work your firm is expected to perform under the agreement between your firm and the client. Thus, depending upon the nature of the project under consideration by the P & Z Board, and the terms and conditions of your engagement with this client, you could be prohibited from sitting on this board. These cases are quite fact-specific, which makes it difficult to provide you with a definitive conclusion until I have a better understanding of all the relevant facts.

I hope the above gives you additional information to assist you in determining whether you should serve on the City's Planning and Zoning Board. If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director

cc: Elizabeth Hernandez, City Attorney, Coral Gables



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July 28, 2003

Robert Chisholm
RE Chisholm Architects, Inc.
7254 S.W. 48th Street
Miami, FL 33155

RE: REQUEST FOR OPINION

Dear Mr. Chisholm:

You requested an opinion regarding any conflicts as they relate to your potential service on the City of Coral Gables Planning & Zoning Board.

According to the facts stated in your letter, you are President of Chisholm Architects, Inc. Your firm represents a client whose project will appear before the Planning & Zoning Board in the near future.

The Conflict of Interest and Code of Ethics Ordinance permits you to serve on the Planning & Zoning Board. Section 2-11.1 (v) "Voting Conflicts: Members of Advisory and Quasi-Judicial Boards," provides,

No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, 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, while you may serve on the board, you may not vote on matters involving your firm and its clients.

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.

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: Elizabeth Hernandez

INA 03-76

CHISHOLM
ARCHITECTS



July 23, 2003

Mr. Robert Meyers
Executive Director
Miami-Dade County Commission
On Ethics and Public Trust
19 West Flagler Street
Suite 207
Miami, Florida 33130

Via Fax
305-579-0273

**Re: City of Coral Gables
Planning & Zoning Board**

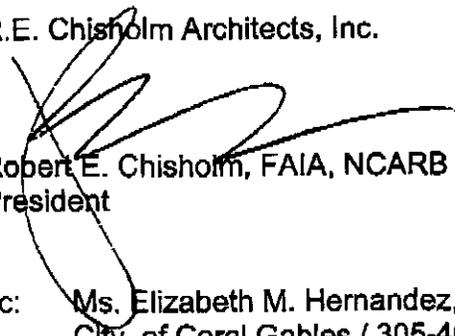
Dear Mr. Meyers:

I would like to request an opinion on whether my serving on the above board, should I be selected, would be a possible conflict of interest; considering that my office will represent a client's project, in which we are the architects, before this board in the near future.

I would be very grateful if you would advise accordingly and I look forward to your response.

Cordially,

R.E. Chisholm Architects, Inc.


Robert E. Chisholm, FAIA, NCARB
President

cc: Ms. Elizabeth M. Hernandez, Esq., City Attorney
City of Coral Gables / 305-460-5264

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