

Meyers, Robert (COE)

To: David M. Wolpin
Subject: RE: Informal Staff Opinion

JNQ 04-25

David,

I apologize for not providing you with a timely response. I don't believe there is a violation of the County Conflict of Interest and Code of Ethics Ordinance for a city commissioner to engage your law firm on a personal matter and then vote on an application when your law firm appears before the city commission on behalf of the applicant (another client). Of course, there is the concern about an appearance of impropriety based on a perception that those opposed to the application will want to argue that your firm's client (the commissioner) is biased. As you are well aware, any perception problem does not amount to a legal conflict, but there are other risks nonetheless that the commissioner has to weigh.

If you wish to discuss this with me in greater detail, feel free to contact me at your convenience.

Thanks,

Robert

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

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Wednesday, March 17, 2004 12:58 PM
To: Meyers, Robert (COE)
Subject: FW: Informal Staff Opinion

Hi Robert- sorry to bother you, but I don't know whether you received or had a chance to consider my email as set forth below.

Thanks.

> -----Original Message-----

> From: David M. Wolpin
> Sent: Tuesday, March 09, 2004 3:40 PM
> To: 'RMEYERS@miamidade.gov'
> Subject: Informal Staff Opinion

> Hi Robert--I hope you are doing well.
> When you have some time, can you give me your advice on this issue?
> If our law firm were to undertake the representation of a Miami Beach city commissioner in his personal capacity on matters not related to the City, would a prohibited transaction or a voting conflict be later created under sec. 2-11.1 of the County Code if we subsequently appeared before the City Council to seek development approval for another client of our firm?

> Thanks for your assistance, as usual.
> David M. Wolpin, Esquire
> Weiss Serota Helfman Pastoriza
> Guedes Cole & Boniske, P.A.
> 2665 South Bayshore Drive, Suite 420
> Miami, Florida 33133
> Telephone: (305) 854-0800
> Facsimile: (305) 854-2323
> Email: dwolpin@wsh-law.com

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