

Commission on Ethics & Public Trust

Commissioners

Hon. Michael Salmon

Chairperson

Kerry E. Rosenthal, Esquire

Vice-Chairperson

Professor Charles A. Hall

Knovack Gramby Jones, Esquire

Professor Elizabeth Iglesias

Executive Director

Robert A. Meyers

September 1, 1998

Barry S. Goldmeier

President

Advanced Housing Corporation

2730 S.W. 3rd Avenue

Suite 202

Miami, FL 33129

Re: Conflict of Interest Opinion (RQO 98-05)

Dear Mr. Goldmeier:

On July 23, 1998, the County Attorney's Office forwarded me your correspondence, which I brought to the attention of the Commission on Ethics on August 12, 1998 and again on September 1, 1998. The Commission on Ethics has the authority to review and respond to requests for opinions when conflicts of interest are alleged. According to your letter of June 10, 1998 addressed to Commissioner Morales, you requested that the Affordable Housing Committee be purged of those individuals who have conflicts of interest.

The inference drawn from your letter to Commissioner Morales is that you are not a County employee, nor are you a member of the Affordable Housing Committee. Furthermore, you are not asking for an opinion involving a potential conflict of interest that you may have in the future, but rather conflicts that you perceive others having.

Before the Commission on Ethics can evaluate whether a conflict of interest exists in any given case, a few preliminary matters must be examined. In order for the Commission to have jurisdiction to render an opinion, it must be determined the person requesting the opinion is entitled to one. Based on the facts you have stated, the Commission on Ethics cannot provide you with an opinion for two reasons: 1) you are not an employee, officer, or official of Miami-Dade County and 2) you are not seeking an opinion regarding your conduct. Under these circumstances, the Commission is unable to address the substance of your complaint.

There is an alternative procedure available to you should you wish to pursue this matter further. The Commission on Ethics is empowered to investigate complaints that the public and/or individuals doing business with Miami-Dade County may have against a public official or employee of this County provided the subject matter of the complaint is covered by one of the ordinances within the auspices of the Commission. To be legally sufficient, the complaint must allege violations within the Ethics Commission's jurisdiction and be based substantially on personal knowledge of the complainant.

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The Conflict of Interest Ordinance adopted by the County is within the purview of the Ethics Commission; however, the purported conflicts of interest you mention in your letter to Commissioner Morales are not sufficiently detailed. For the Commission to properly evaluate the complaint and make a probable cause determination, it would be necessary for you to allege more specific information regarding the committee member and his or her conflict.

Finally, the Commission, upon its own initiative, can conduct an investigation if in the opinion of the Commission such an investigation is warranted. Other than bringing the matter to the attention of the Commission, there is nothing else that you would be required to do.

Please do not hesitate to contact me if you have any questions regarding the above. I am enclosing a complaint form and a copy of the relevant ordinance in the event you wish to file a formal complaint.

Sincerely,



Robert Meyers
Executive Director

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