

**COMMISSION ON ETHICS  
ADVISORY OPINION  
RQO-98-18**

**BACKGROUND:** \_\_\_\_\_, a private attorney serving as special counsel to the City of Miami Code Enforcement Board, is seeking an advisory opinion as to whether his associate can represent a client in negotiations with the City of Miami to purchase a city-owned easement.

**NARRATIVE:** \_\_\_\_\_ serves as special counsel to the Code Enforcement Board and advises the board on procedural matters. \_\_\_\_\_ is an outside contractor and is not an employee of either the Code Enforcement Board or the City of Miami. His partner, Gilbert Contreras, represents a client who owns property in Miami that is adjacent to a city easement which the client is trying to acquire. \_\_\_\_\_ wants to know whether or not he can represent clients on such matters within the City of Miami and whether his associate can represent the client in this particular transaction.

**ARGUMENT:** The Conflict of Interest and Code of Ethics ordinance does not apply to \_\_\_\_\_ and his associate because they do not fall under any of the categories listed in 2-11.1(b) (1) through (b) (6). Therefore, \_\_\_\_\_'s conduct is not governed by 2-11.1(m) which governs employee representation of clients before municipal boards and agencies.

**CONCLUSION:** The Conflict of Interest and Code of Ethics ordinance does not govern \_\_\_\_\_'s firm's representation of a client in this matter.