



April 22, 1999

ETHICS COMMISSIONERS

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STAFF GENERAL COUNSEL

Michael A. Pizzi, Jr.
9058 N.W. 152nd Lane
Miami, Florida 33018

Dear Mr. Pizzi:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 22, 1999 and rendered its decision based on the facts stated in your letter.

You requested an advisory opinion regarding legal representation to a community organization appearing before the county commission on a zoning matter.

In your letter, you advised the commission that you serve as a community council member for the Miami Lakes area. You also wrote that you are providing pro bono legal assistance to a group of residents from the Country Club of Miami area who are appearing before the County commission to discuss a proposed townhouse development in the area. The matter was not heard before the Miami Lakes Community Council and will not come before them for review. The Palm Lakes North Community Council voted to approve the development when it appeared before them.

The commission found that the Conflict of Interest and Code of Ethics ordinance does not prohibit you from providing legal assistance to a group who wants to appear before the county commission on a zoning issue which has not been heard by the community council of which you are a member. Section 20-45 makes the Conflict of Interest and Code of Ethics ordinance applicable to

Community Council members. Section 2-11.1(m)(2) governs appearances and representations by autonomous personnel before county boards and agencies. Section 2-11.1(m)(2) provides that no person shall appear before the County board or agency on which he or she serves, directly or through an agent, and make a presentation in regard to a third person. The section further provides that autonomous personnel may not receive compensation, directly or indirectly or in any form, for services rendered to a third party who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Since the zoning matter did not come before your community council, you are not precluded by the Conflict of Interest and Code of Ethics ordinance from providing assistance or appearing before the county commission on the residents behalf.

Therefore, the Conflict of Interest and Code of Ethics ordinance does not prohibit you from providing pro bono legal assistance to residents who are appearing before the County Commission because the matter was not heard by the Community Council of which you are a member.

If you have any questions regarding the opinion, please call Robert Meyers, Executive Director at (305) 579-2954 or Ardyth Walker at (305) 579-2653.

Sincerely Yours,

ROBERT MEYERS
Executive Director

Enclosure