

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director

This opinion construes the Miami-Dade 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 if you have any questions regarding possible conflicts under state law.

Condominium officers and board members are only prohibited from voting on matters if it may directly or indirectly affect a person or entity with which they are associated or the matter will affect the community council member in a manner distinct from the way it would affect the public generally. Although generally not a bar to service on a community council, the conflict provision would bar Fisher Island Condominium Association board members and officers from serving as members of the Community Council. Since as a practical matter, most matters that come before the community council would directly or indirectly affect any condominium association, due to the size and nature of the community, any such appointee would have a frequently recurring conflict that would prevent them from being effective members of the council. Therefore, Fisher Island Condominium Association board members and officers may not be appointed to the community council.

which the member serves if the member has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Community Council on which the member serves: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor, it in any instance the transaction or matter would affect the Community Council member in a manner distinct from the manner in which it would affect the public generally.



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EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

July 11, 2001

Barry Kutun  
2012 Fisher Island Drive  
Fisher Island, FL 33109

**RE: REQUEST FOR ADVISORY OPINION 01-46**

Dear Mr. Kutun:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 10, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether officers or board members of Fisher Island condominium associations can serve as members of the Community Council.

In your letter, you advised the Commission that the Fisher Island Community Council has a vacancy that requires an appointment. The council has been advised that a board member or an officer of a condominium association on the island may not serve on the board. Since the Island has sixteen condominium associations, the exclusion precludes appointment of a large number of eligible candidates.

The Commission found Section 20-45 of the Code of Miami-Dade County prohibits Fisher Island condominium association board members and officers from serving on the community council. Section 20-45 provides that community council members are prohibited from voting on or participating in any way in any matter presented to the Community Council on