



May 23, 2002

James Cueva  
15053 S.W. 43rd Lane  
Miami, FL 33185

**ETHICS COMMISSIONERS**

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

**RE: REQUEST FOR ADVISORY OPINION 02-58**

Dear Mr. Cueva:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 22, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to vote and participate in a matter involving the Lakes of the Meadow Subdivision.

In your letter, you advised the Commission that you are Chair of the Miami-Dade County Unsafe Structures Board. The board is a quasi-judicial body that reviews the decisions of building officials regarding structures deemed unsafe under the South Florida Building Code.

On May 29<sup>th</sup>, the Board will hold a special meeting to consider a case involving the Lakes of the Meadows Village Homes Condominiums. Although you do not live in the condominiums, you live in a home in the Lakes of the Meadow development. Your grandparents own the home. The development has one homeowner's association.

The Commission found that although no legal conflict exists, an appearance of a conflict will arise if you participate and vote on matters involving the Lakes of the Meadow subdivision. Section 2-11.1(v) provides that "no person included in the terms defined in subsections (b) (3) (quasi-judicial personnel)

The Commission found that although no legal conflict exists, an appearance of a conflict will arise if you participate and vote on matters involving the Lakes of the Meadow subdivision. Section 2-11.1(v) provides that "no person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) or (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits and if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary, or beneficiary; or (ii) stockholder, bondholder, debtor or creditor." Since you do not have any of the relationships enumerated in the ordinance with the subdivision, you are not prohibited from chairing the meeting or voting on issues related to the development. However, an appearance of a conflict of interest will arise if you vote on matters involving a place where you reside and your grandparents own property. Therefore, you may abstain from chairing the meeting and voting on the issue.

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.

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