



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Guillermo Grenier
Elizabeth M. Iglesias

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

May 24, 2002

James Quinlan
Office of Arts, Culture and Entertainment
City of Miami Beach
555 17th Street
Miami Beach, FL 33139

RE: REQUEST FOR ADVISORY OPINION 02-63

Dear Mr. Quinlan:

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 request.

You requested an opinion regarding your involvement in processing special event permits as it relates to your spouse's nonprofit organization, Rhythm Foundation.

In your request you advised the Commission that you are the Director of the Office of Arts, Culture and Entertainment for the City of Miami Beach and that your spouse is the Executive Director of the nonprofit organization Rhythm Foundation. In the near future, the organization may be seeking special event permits to conduct international music programs in the City of Miami Beach. Your office is responsible for handling those special event permit requests.

As Director, you review all permit requests at intake to ensure that the applicants have followed the submission guidelines and to make any comments about the proposed event. The requests along with your comments are forwarded for further review to the Special Events Coordinator/Liaison in your office who then forwards them to the City Manager. The City Manager grants the final determination on all special event permit requests.

The Commission found that under the Conflict of Interest and Code of Ethics Ordinance there is no legal conflict that precludes you from reviewing permit proposals from the Rhythm Foundation. However, in order to avoid any appearances of a conflict, you should delegate to another staff member the special event permit review responsibility and any other matters as they relate to the Rhythm Foundation. Additionally, Section 2-11.1 (g) (Exploitation of official position prohibited) of the Conflict of Interest and Code of Ethics Ordinance prohibits you from using your official position to grant any special privileges or favors to the Rhythm Foundation.

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

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director