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STAFF GENERAL COUNSEL

March 3, 2005

The Honorable Carlos J. Giminez
Board of County Commissioners
District Seven
111 N.W. First Avenue
Suite 220
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 05-24

Dear Commissioner Giminez:

I received your request for an advisory opinion regarding any voting conflicts created by your son's employment with a firm a firm that appears before the Board of County Commissioners. The Chairperson of the Ethics Commission and I have reviewed this matter and our opinion is based on the facts stated in your letter.

In your letter, you advised the Commission that your son is an associate with the firm Bilzin, Sumberg, Baena, Price and Axelrod. Bilzin Sumberg regularly appears before the Board of County Commissioners on land use and zoning matters.

The Conflict of Interest and Code of Ethics ordinance permits you to participate and vote on matters where the firm appears before the Board of County Commissioners. Section 2-11.1(d) does not prohibit county commissioners from voting on matters where the employer of an immediate family member is appearing before the Board. Section 2-11.1(d)

of the Code of Miami-Dade County prohibits county commissioners from voting or participating in any way in any matter presented to the Board of County Commissioner if said person 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 Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any commissioner who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during discussion of the subject item and shall not vote on or participate in any way in said matter.

Since you do have any of the enumerated relationships with your son's law firm and you would not personally benefit or be uniquely affected by making decisions on matters where the law firm makes an appearance, the Conflict of Interest ordinance permits you to participate in discussion and vote on matters where your son's law firm makes an appearance.

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.

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