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May 21, 2007

Stephen R. Shelley, Esq.
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317 North Krome Ave.
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FAX: 305 247-6855

Re: ROO 07-12

Dear Mr. Shelley:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on May 17, 2007.

YOU ASKED several questions regarding appearance prohibitions for your fiancée, your fiancée's employer, and your landlord when they appear before you as a member of the Homestead Planning & Zoning Board. You also asked about the requirement to disclose gifts exchanged between you and your fiancée.

IN SUM, your fiancée should not represent third parties before the Zoning Board. Additionally, based on an appearance of impropriety, the Ethics Commission strongly urged that your fiancée's employer and your landlord refrain from representing third parties before the Zoning Board. Finally, gifts exchanged between you and your fiancée are exempt from disclosure.

THE LEGAL BASES for this opinion are found at Sections 2-11.1 (m)(2) and (e)((2)(b) of the Ethics Code.

Section 2-11.1(m)(2) specifically prohibits you from receiving "compensation, directly, indirectly, or in any form, for services rendered to a third party who has applied for or is seeking a benefit" from the Zoning Board.

Under Section (m)(2), your fiancée is prohibited from appearing before the Zoning Board because you share common household expenses, and your fiancée's compensation for her appearances is considered indirect compensation to you.

Similarly, the Ethics Commission strongly recommended that your fiancée's employer and your landlord refrain from representing third parties before the Zoning Board because of possible perceptions that you are being indirectly

compensated. For example, the public might assume that your fiancée and you receive special benefits when her employer successfully appears before you or that you receive a rent reduction when your landlord successfully appears before you.

Section 2-11.1 (e)(2)(b), as interpreted by the Ethics Commission, exempts gifts that are customarily and historically exchanged outside of one's government service from disclosure. Consequently, gifts exchanged between you and your fiancée need not be disclosed.

Although not relevant under the facts you presented, **Section 2-11.1(n)** of the Ethics Code would prohibit you from voting on matters that would directly or indirectly affect a business in which you or any member of your immediate family has a financial interest. Since neither you nor any immediate family member currently has a financial interest in matters being brought before you, you do not have voting conflicts as a Zoning Board member.

If changes occur in the circumstances outlined in this letter, please contact the County Ethics Commission for further direction.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact Victoria Frigo, Staff Attorney, at (305) 350-0601, or Robert Meyers at (305) 579-2594, if we can be of further assistance in this matter.

Sincerely yours,



ROBERT MEYERS
Executive Director

