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August 16, 2007

Matthew Adler, City of Miami Beach Planning Board
c/o Adler Group
1400 NW 107 Ave.
Miami, FL 33172

Via First Class Mail and Fax at (305) 392-4004

Re: ROO 07-37

Dear Mr. Adler:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on August 16, 2007.

In your letter dated August 8, 2007, you stated that you serve as Vice-Chair of the City of Miami Beach Planning Board. You asked if you would have any voting conflicts regarding property owned by the Mount Sinai Medical Center where your father serves as Vice-Chair of the Executive Committee of the Mount Sinai Board of Trustees.

Briefly, the Commission on Ethics opined that you have no voting conflicts based on the current facts.

You serve as the Vice-Chair of the City of Miami Beach Planning Board. In your private capacity, you are the Executive Vice President of the Adler Group.

Your father, **Michael Adler**, is Vice-Chair of the Executive Committee of the Mount Sinai Medical Center Board of Trustees. In his private capacity, he is Chairman and Chief Executive Officer of the Adler Group.

The **Adler Group** is a privately held Florida corporation that deals in commercial real estate development in southeastern Florida. The Adler

Group does not develop residential properties and has not developed any properties on Miami Beach for several years. You and your father are officers and directors of the corporation.

Mount Sinai Medical Center, a nonprofit Florida corporation where Michael Adler serves as an officer, recently hired a real estate brokerage firm to explore options for selling its Miami Heart Institute property in the City of Miami Beach.

These facts do not violate any of the County Ethics Code applicable to the question you posed:

Under § 2-11.1 (v) *Voting conflicts*—you will not be directly affected by any action of the Planning Board in regard to the Medical Center, and you do not have a prohibited relationship with the Medical Center. Prohibited relationships include officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor, or creditor.

Under § 2-11.1 (n) *Actions prohibited when financial interests involved*—neither the Adler Group as a corporate entity nor you or your father individually are currently invested in the property owned by the Mount Sinai Medical Center.

Under § 2-11.1 (o) *Acquiring financial interest*—you, your father, and your private corporation do not plan to acquire financial interests in the property owned by Mount Sinai Medical Center.

It is our understanding that your company deals solely in commercial properties, and all of your commercial developments, except for one built several years ago, are located off Miami Beach. The Heart Institute property is currently zoned hospital and residential. Even if the density requirement of the property were to change, as recommended by the City Commission, it is highly unlikely that the property will be rezoned commercial—and, therefore, of interest to commercial developers.

Consequently, you have no voting conflicts in matters regarding the property currently owned by Mount Sinai Medical Center. However, please be further advised that Section 2-11.1 (m)(2) of the County Code prohibits your father, as your business associate, from appearing before the Planning Board on this or any matter.

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.

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.

Sincerely yours,



ROBERT MEYERS
Executive Director

Copies via First Class Mail and Fax at (305) 673-7002

Jose Smith, City Attorney
Jean Olin, Deputy City Attorney
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