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September 21, 2007

Gary J. Dufek  
20285 S.W. 177<sup>th</sup> Avenue  
Miami, FL 33187

**RE: REQUEST FOR ADVISORY OPINION RQO 07-39**

Dear Mr. Dufek:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 20, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the Conflict of Interest ordinance to your professional and civic activities.

In your letter, you advised the Commission that you are the owner of the Roystonea Corporation. Roystonea provides consulting services on zoning and property tax appeals. The bulk of Roystonea's work is determining whether non-conforming properties may be grandfathered under prior zoning requirements. The firm's documentation is submitted to the Department of Planning and Zoning. The firm's clients may appear before community councils and seek variances if the property may not be grandfathered under prior zoning regulations. You will not represent clients before community councils while serving as a member of Community Council #14.

In the firm's capacity as a property tax consultant, you analyze tax assessments and advise clients on the appeal process before the Value Adjustment Board. You will also appear before the Value Adjustment Board on behalf of a client.

You also serve as a realtor with Universe Real Estate and provide advice on uses for particular parcels.

Finally, you serve as a member of the Cutler Ridge Police Citizens' Advisory Committee and regularly attend meetings of a number of county agencies and departments.

The Conflict of Interest ordinance permits you to engage in consulting work on zoning and property tax matters. Section 2-11.1(m)(2) only prohibits you from appearing before his Community Council on zoning matters. Section 2-11.1(m)(2) provides that "no person... shall appear before any County board or agency on which he or she serves, either directly or through an associate and make a presentation on behalf of a third person with regard to any license, contract, certificate, ruling decision, opinion, rate schedule, franchise or other benefit sought by the third person." Accordingly, you and any member of your firm are prohibited from appearing before Community Council #14 on behalf of a third party.<sup>1</sup> Section 2-11.1(v) (voting conflicts-quasi-judicial boards) also prohibits you from voting on any matter concerning any client of the firm. However, you may appear before the Value Adjustment Board or provide advice to real estate clients about property uses and taxes.

Finally, you may continue to serve as a member of the Citizens' Advisory Committee and attend meetings of county departments and agencies as long as you do not engage in ex-

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<sup>1</sup> The Code of Miami-Dade County prohibits community council members from appearing before any community council or the Board of County Commissioners on a zoning matter.

parte communication regarding quasi-judicial matters that may come before the Community Council.

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

ROBERT MEYERS  
Executive Director