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STAFF GENERAL COUNSEL

September 20, 2007

Jeff Donner, Esq.  
Donner Law Firm, PI  
19 West Flagler St., Suite 907  
Miami, FL 33130

Via First Class Mail and Fax at (866) 724-7815

Re: **RQO 07-40**  
Miami-Dade County Code of Ethics at § 2-11.1 (q)  
City of Miami Beach Code at § 2-481

Dear Mr. Donner:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on September 20, 2007. The Commission found that you are precluded for two years following your employment with the City of Miami Beach from representing private clients in code enforcement matters before Special Masters in the City of Miami Beach.

In your letter dated September 11, 2007, and in a Supplemental Memorandum dated September 19, 2007, you stated that, until February 17, 2007, you were employed by the City of Miami Beach as a Senior Assistant Attorney, and among your duties you prosecuted code enforcement matters. Currently, in your private legal practice, you would like to represent clients with code enforcement matters before Special Masters in the City of Miami Beach.

The Commission on Ethics found that you were subject to the "Two-Year Rule" under the County Ethics Code at § 2-11.1 (q) because you did not fall within any of the exceptions stated under § 2-11.1 (q) (*i.e.*, representatives of government entities, educational institutions, or nonprofit organizations) nor did you fall within the three exemptions listed in the Miami Beach lobbyist ordinance at § 2-481 (*i.e.*, expert witnesses,

representatives of neighborhood associations without compensation, or representatives of not-for-profit community based organizations).<sup>1</sup>

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 and/or the Florida Bar Association.

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

City of Miami Beach  
1700 Convention Center Dr., 4<sup>th</sup> Floor  
Miami Beach, FL 33139

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<sup>1</sup> Section 2-483 (b) of the Miami Beach Code exempts attorneys from registering as lobbyists when representing parties before quasi-judicial proceedings, but does not exclude attorneys in this capacity from the definition of lobbyist at § 2-481.

