



November 16, 2007

Aymara Riley
19762 S.W. 129th Avenue
Miami, FL 33177

ETHICS COMMISSIONERS

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: REQUEST FOR ADVISORY OPINION 07-53

Dear Mrs. Riley:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 15, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any potential voting conflicts that may be created when your husband's law firm represents clients before the Unsafe Structure Board.

In your letter, you informed the Commission that you are a member of the Unsafe Structures Board. The Unsafe Structures Board is a quasi-judicial board that hears appeals of citations by building officials of structures that pose an imminent danger to health and safety. Your spouse, William Riley, is a partner in the firm of Bilzin Sumberg, et.al. Bilzin Sumberg represents clients before the Unsafe Structure Board on building compliance matters.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits you to vote on matters where the law firm represents a client before the Unsafe Structures Board but the appearance of a conflict of interest may be created in those instances. Section 2-11.1(v) provides that "no person included in the terms defined in subsections(b) (3) (quasi-judicial personnel)

and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or a quasi-judicial board on which the persons sits if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor." Since you will not be directly affected by the board's actions and you do not have any of the enumerated relationships with the firm's clients, you may vote when the firm appears before the Unsafe Structures Board.

Please be advised, however, that although not prohibited by the Conflict of Interest ordinance, an appearance of a conflict may be created if you vote on matters where your husband's firm is representing a client before the Unsafe Structures Board.

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