



**FILE COPY**

August 29, 2008

The Honorable Bruno Barreiro  
Chairperson  
Board of County Commissioners  
Miami-Dade County  
111 N.W. First Street  
2<sup>nd</sup> Floor  
Miami, FL 33128

**ETHICS COMMISSIONERS**

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EXECUTIVE DIRECTOR

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ADVOCATE

ARDYTH WALKER  
STAFF GENERAL COUNSEL

**RE: REQUEST FOR ADVISORY OPINION RQO 08-39**

Dear Commissioner Barreiro:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 28, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether you may retain Bilzin Sumberg to draft an estate plan for your extended family.

In your request, you advised the Commission that you would like to retain Dan Heller of Bilzin Sumberg, et.al. to draft an estate plan. Bilzin Sumberg has an active governmental affairs and land use practice and frequently appears before the Board of County Commissioners.

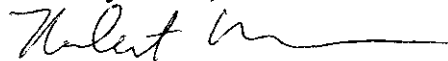
The Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to retain the firm of Bilzin Sumberg to draft an estate plan. The creation of an attorney-client relationship does not prohibit you from voting on matters where the firm represents a client before the Board of County Commissioners. Section 2-11.1(d) of the Code of Miami-Dade County prohibits county commissioners from voting on or participating in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners:(i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) (Mayor and commissioners) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term (b)(1)(commissioners) who has any of the above relationships

or who would or might directly or indirectly profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the commission meeting and shall not vote on or participate in any way in said matter. The attorney-client relationship does not create any of the enumerated relationships in the voting conflict ordinance. Accordingly, you would not have a voting conflict in regard to the firm and the firm would not be prohibited from appearing before the Board of County Commissioners. Moreover, Section 2-11.1(u) (prohibition on certain business transactions) would not apply because the firm is not a county vendor. Therefore, you may contract with the firm of Bilzin Sumberg to draft an estate plan for your extended family.

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 concerning possible conflicts under state law.

If you have any questions regarding this opinion, please contact the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



**ROBERT MEYERS**  
Executive Director