



Via First Class Mail
and
email at DWolpin@wsh-law.com

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ARDYTH WALKER
STAFF GENERAL COUNSEL

April 19, 2010

David M. Wolpin, Esq.
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
200 East Broward Blvd., Suite 1900
Fort Lauderdale, FL 33301

RE: RQO 10-12, Recommending Services
Miami-Dade County Ethics Code at Section 2-11.1 (p)

Dear Mr. Wolpin:

In public session on April 14, 2010, the Ethics Commission responded to your query on the proper interpretation of Section 2-11.1 (p) of the County Ethics Code as it applies to city attorneys.

The Ethics Commission held that city attorneys who augment their own expertise to provide competent legal counsel to their city clients—by hiring specialized attorneys, expert witnesses, and others—are not making recommendations to assist in transactions involving their governments. Consequently, these actions do not fall within the parameters of Section 2-11.1 (p) of the Ethics Code.

In your letter of April 7, 2010, you asked specifically if a municipal attorney may recommend bond counsel to the mayor, city manager, or finance director to assist the municipality with the issuance of bonds or the securing of loans for the city without the necessity of making the recommendation at a public meeting of some type. You also asked if a municipal attorney may retain expert witnesses for litigation on behalf of the municipality without the necessity of making the recommendation at a public meeting.

In general, the County Code at Section 2-11.1 (p) prohibits government officials, employees, and board members from recommending services to assist in any transaction involving their respective government—unless the recommendation is made when required to be made by the duties of office and in advance at a public meeting attended by other officials, officers, or employees.

Under the facts presented by you, the Ethics Commission found that the city attorney was supplementing his/her own expertise in order to advise and defend his/her city client. These scenarios were not representative of

recommending services to assist in a transaction involving one's government, as stated in the Ethics Code.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but it 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.

Please feel free to contact or me or Staff Attorney Victoria Frigo if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director