



Via First Class Mail
and
email at KPoliakoff@becker-poliakoff.com

September 1, 2010

ETHICS COMMISSIONERS

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Dawn E. Addy, VICE CHAIRPERSON
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Judge Seymour Gelber
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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Keith M. Poliakoff, Esq.
Becker & Poliakoff
P.O. Box 9057
Ft. Lauderdale, FL 33310-9057

Re: RQO 10-21, Robert C. Solera

Sunny Isles Beach City Code at Sec. 33-3 P, adopted in 1999 and
amended on August 10, 2010

Dear Mr. Poliakoff:

In public session on August 31, 2010, the Ethics Commission responded to your query regarding Robert C. Solera's ability to provide testimony at a quasi-judicial hearing based on the Sunny Isles Beach City Code at Sec. 33-3 P. Until his separation from city government approximately one year ago, Mr. Solera served as Director of the Sunny Isles Beach Community Development Department.

The Ethics Commission opined that the explicit language and legislative intent found in the City of Sunny Isles Beach post employment ordinance adopted on August 10, 2010, bars Mr. Solera from this appearance.¹ However, as per the amended ordinance, the prohibition may be waived by the City Commission.

We understand that you have received a waiver and that Mr. Solera will be called as a witness to give testimony at a appeal hearing involving the historic designation of Temple B'Nai Zion.

This opinion construes the City of Sunny Isles Beach Code only.² Inquiries regarding possible conflicts under State law should be addressed 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,

ROBERT MEYERS
Executive Director

copies: Hans Ottinot, City Attorney, Sunny Isles Beach, at HOttinot@sibfl.net
Marcie Oppenheimer Nolan, Becker & Poliakoff, at MNolan@becker-poliakoff.com

¹ Sunny Isles Beach City Code at Sec. 33-3 P (2) (2010) specifically prohibits a former employee from *testifying as a fact or expert witness in any quasi-judicial proceedings* before the City. (Emphasis added.)

² An interpretation of the Miami-Dade County post-employment ordinance at Sec. 2-11.1 (q) was provided in RQO 10-19 (July 20, 2010).