

**Meyers, Robert (COE)**

INQ 08-192

**From:** Meyers, Robert (COE)  
**Sent:** Thursday, December 18, 2008 4:57 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

I received phone calls from Julie Bru and Gail Dotson (City Attorney's Office, City of Miami) about a lawsuit filed against the Downtown Development Authority (DDA). DDA is considering retaining one of its members to serve as legal counsel to the DDA and I was asked whether this action could be taken. I advised Ms. Bru that a conflict of interest would be created if the DDA hired one of its board members as its attorney, as this amounts to transacting business with one's agency. However, I informed the City Attorney that the City Commission could waive the conflict. Later in the day, I received a call from Gail Dotson and she wanted to know whether any Sunshine Law problems would be created if the ethics conflict were waived by the City Commission. I advised her that an attorney-client session could be called to meet with the entire board, but any private communications between the lawyer-board member and individual members of the DDA would most likely violate the Sunshine Law. I further explained that another conflict of interest might be created if the lawyer-board member had to discuss the possibility of a settlement with the rest of the DDA, particularly if the attorney's fees were at issue. It would seem nearly impossible for the lawyer-board member to give objective legal advice and also remain on the board. If the DDA felt it was critical to retain this particular attorney to represent its interest, then the board member should consider resigning. I also indicated to Ms. Dotson that I was not aware of any prohibition against the attorney being reappointed to the DDA once the matter is resolved.

Robert Meyers  
12/18/08

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