

Meyers, Robert (COE)

JNG 08-195

From: Meyers, Robert (COE)
Sent: Friday, December 19, 2008 1:34 PM
To: 'Hernandez, Elizabeth'
Subject: RE: Conflict

Liz,

I tend to agree with Julie's conclusion. There is nothing in the county's Conflict of Interest and Code of Ethics Ordinance that expressly prohibits Chief Naue from hearing cases presented by his son-in-law, who is representing officers charged with various infractions. I can recall two opinions involving county commissioners which may have some applicability here – 1) The Ethics Commission found that the son of a county commissioner may appear before the BCC on a quasi-judicial matter as the attorney for an applicant and the county commissioner did not have to recuse himself and 2) A county commissioner would not have to recuse herself from an item when her sister, a lobbyist for an interested party, wished to make a presentation to the BCC. Your situation is not completely analogous, as the chief is operating as a board of one, but there appears to be no conflict of interest.

This arrangement may leave the chief open for criticism in the event he makes unpopular decisions in this role, but that concern alone does not create a conflict of interest.

Please feel free to contact me if you wish to discuss.

Robert

From: Hernandez, Elizabeth [mailto:ehernandez@coralgables.com]
Sent: Friday, December 19, 2008 10:58 AM
To: Meyers, Robert (COE)
Subject: FW: Conflict
Importance: High

Robert, this was the issue I was calling you on the other day. Please call me with your thoughts.

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From: Naue, Jr., Richard
Sent: Friday, December 19, 2008 6:48 AM
To: Hernandez, Elizabeth
Subject: Conflict
Importance: High

Liz,

I received a call from a concerned citizen who asked if I believed there would be a conflict when the new FOP President, my son in law John Baublitz, represents other officers during IA cases or other Disciplinary Actions where I would be making a decision on.

I advised them that I would not preside over cases involving him as a subject officer but saw no conflict when he was representing other officers.

Do you see any concerns or problems?

Rich

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