

Meyers, Robert (COE)

INQ 08-47

From: Meyers, Robert (COE)
Sent: Tuesday, March 25, 2008 3:30 PM
To: 'Gongora, Michael'
Subject: RE: Special; Master Issue

Hi Michael,

I agree with the City Attorney's conclusion but for different reasons. The two year ban only applies to lobbying activities and the County Code specifically exempts appearances in front of quasi-judicial boards from the definition of lobbying. Therefore, you would not be considered a lobbyist if you were to appear before the Special Master, which makes the two year ban inapplicable.

Incidentally, the City Attorney's position that the Special Master is not within the definition of a County/municipal board is probably correct as well. I, however, would prefer to find that you are permitted to represent your clients in front of the Special Master for the first reason I stated.

Thanks,

Robert

From: Gongora, Michael [mailto:MGongora@becker-poliakoff.com]
Sent: Tuesday, March 25, 2008 2:33 PM
To: Meyers, Robert (COE)
Subject: FW: Special; Master Issue

Hi Robert,

I have a question.....the City of Miami Beach Attorney has previously opined that my law firm has no issue representing clients before the Special Master, even when the ruling came down that we couldn't appear before city boards and committees.

I understand that there is a Count Code that says I personally can't appear before the Commission for two years after the term I was in office. The question is, can I appear before the Special Master with regard to code issues? MB City Atty. gave the opinion below that he does not believe it would be an issue but that I should double check with your office.

Please get back to me when you have a chance.

Thanks,

Michael

Please visit our CALL (Community Association Leadership Lobby) website at <http://www.callbp.com> for all of the latest information impacting your community association. You must be a current client to access this site. Please contact CALL@becker-poliakoff.com if you do not know your community's password to log on to the site.

3/25/2008

From: Smith, Jose [mailto:JoseSmith@miamibeachfl.gov]
Sent: Tuesday, March 25, 2008 2:29 PM
To: Gongora, Michael
Subject: Special; Master Issue

Michael:

The issue you raised is covered by Section 2-11.1(q) of the County Code. While I do not believe that the Special Master falls within the definition of "County officer, department personnel or employee", the ultimate arbiter of the County Code is the Miami-Dade County Ethics Commission. I would suggest that you give Robert Myers a call to be sure.

MIAMIBEACH

Jose Smith, City Attorney

OFFICE OF THE CITY ATTORNEY

1700 Convention Center Drive – 4th floor, Miami Beach, FL 33139

Tel:305-673-7000x6425 /Fax: 305-673-7002/ www.miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Gongora, Michael [mailto:MGongora@becker-poliakoff.com]
Sent: Monday, March 24, 2008 3:59 PM
To: Smith, Jose
Subject: Please call me when you have a chance

Thank you, Michael

 <p>BECKER & POLIAKOFF <small>Legal and Business Strategists</small></p>	<p>Michael C. Gongora Attorney at Law</p>
	<p>Alhambra Towers 121 Alhambra Plaza, 10th Floor Coral Gables, FL 33134</p> <p>Tel 305.260.1014 Fax 305.442.2232 MGongora@becker-poliakoff.com www.becker-poliakoff.com</p>

Please visit our CALL (Community Association Leadership Lobby) website at <http://www.callbp.com> for all of the latest information impacting your community association. You must be a current client to access this site. Please contact CALL@becker-poliakoff.com if you do not know your community's password to log on to the site.

3/25/2008