

Meyers, Robert (COE)

INO 08-60

From: Meyers, Robert (COE)
Sent: Tuesday, April 15, 2008 5:06 PM
To: 'Sardina Mann, Maria B.'
Subject: RE: Conflict of Interest - City of Miami Board Members

Dear Ms. Mann,

As I understand the facts, you are a member of the Planning Advisory Board for the City of Miami and the law firm that employs you has been bond counsel for the City of Miami since 2000. You wish to know whether your employment creates a conflict of interest that would prohibit you from serving on the city's Planning Advisory Board.

Please understand my authority is limited to interpreting the county's Conflict of Interest and Code of Ethics Ordinance. For an interpretation of state law, you should contact the Florida Commission on Ethics.

In order to have a prohibited conflict of interest under the county ethics code, a board member would be required to hold a controlling financial interest in the firm transacting business with the city. In your particular case, you do not own a controlling financial interest in the law firm that does business with the City of Miami. Therefore, there would be no conflict of interest for you to serve on the Planning Advisory Board and also work in your capacity as a secretary for Squire Sanders & Dempsey.

Another issue to address is whether your employment could create a voting conflict for you as a member of the Planning Advisory Board. In order for a voting conflict to exist for a board member, the member must have a special relationship with a party or applicant appearing before the board and the member must be directly affected by the action of the board. Based on the criteria for establishing a voting conflict, your law firm could actually appear before the city's Planning Advisory Board and you would not have a voting conflict unless you were directly affected by the board's decision. For obvious reasons, however, I would recommend against you voting on any items presented by the law firm that employs you.

If you wish to discuss the above, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director, Miami-Dade Ethics Commission

From: Sardina Mann, Maria B. [mailto:MSardinaMann@ssd.com]
Sent: Thursday, April 10, 2008 4:06 PM
To: Meyers, Robert (COE)
Subject: Conflict of Interest - City of Miami Board Members

Dear Mr. Meyers:

As a member of the Planning Advisory Board, I received the attached memorandum from the City Clerk and have some concerns. Please see page 3 titled "Conflicting employment or contractual relationship". I work for a law firm, Squire Sanders & Dempsey, as an executive legal assistant to an international corporate lawyer. We were formerly Steel Hector & Davis and merged with Squire Sanders in September 2005.

It is my understanding that Squire Sanders and Dempsey have been bond counsel for the City of Miami since the year 2000, and continue to do bond work for the city. As a member of the Planning Advisory Board, is my employment a conflict?

I look forward to your response.

Very truly yours,

Beba Mann