

**Frigo, Victoria (COE)**

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**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, May 04, 2010 3:26 PM  
**To:** 'JLundgren@wsh-law.com'  
**Subject:** Sec. 2-11.1 (m)(2), Architectural Services (INQ 10-84)

Ms. Lundgren,

Robert Meyers asked me to respond to your question of April 29, 2010, in which you sought an interpretation of **Sec. 2-11.1 (m) (2)** of the County Code.

Specifically, you asked if a member of a quasi-judicial board may receive compensation for architectural services he rendered to a client who is now seeking a benefit from the quasi-judicial board on which he serves. You stated that the architect's services relate to portions of the project that are **not** subject to the approval by the board.

I have conferred with Robert Meyers and we agree that Sec. 2-11.1 (m) (2) allows the architect to be compensated as long as his services do not pertain to any architectural features or aspects of the project subject to the approval of his board. The ban on compensation, directly, indirectly, or in any form, is limited to reimbursement associated with the particular benefit being sought by the client.

You are correct that Sec. 2-11.1 (m) (2) prohibits the board member from presenting a project before his board on behalf of his client; additionally, he may not assign the matter to a business associate.

Please note that other sections of the County Code may also apply, based on the facts.

**Sec. 2-11.1 (n)** prohibits board members from participating in any official action, directly or indirectly, affecting a business in which they or any member of their immediate family has a financial interest. In the case you presented, if the developer appearing before the board is the architect's sole client, this section of the code may limit the board member's participation.

**Sec. 2-11.1 (v)** prohibits the board member from voting on or participating in any way regarding the project if he would be directly affected by the action of the board **or** if he has one of the enumerated relationships with the developer appearing before him, *i.e.*, officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor.

If you have further questions, please feel free to contact me.

Sincerely,

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Miami-Dade County Commission on Ethics  
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