

Ethics (COE)

JNQ 10-146

From: Ethics (COE)
Sent: Monday, August 09, 2010 4:07 PM
To: 'Carlton842@aol.com'
Cc: Hoffman, Joel (Vizcaya); Logue, Thomas (CAO); Duval, Dirk (GSA)
Subject: RE: Request for Ethics Opinion

Dear Mr. Cole:

Thank you for your request for opinion. In your attachment, you indicate that you serve as a member of the Vizcaya Museum and Gardens Trust and in your private capacity you are the principal of Cole Appraisal Company, Inc. Your company has responded to a request for proposal and was awarded a contract by the Miami-Dade County General Services Administration (GSA) to provide real estate appraisal services for a portion of the Metro Rail South Corridor. You wish to know whether a conflict is created due to the fact your firm is transacting business with the County and you are a member of a County board.

In order for a conflict of interest to exist for a County board member under the transacting business section of the ethics code, the member must be doing business with the County department interfacing with the department where the board is housed or where the contract is County subject to the regulation, oversight, management, or policy-setting of the board member's department. In your particular case, your service on the Vizcaya Trust and your firm's contract with GSA causes no conflict for you.

If you have any further questions, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust

From: Carlton842@aol.com [mailto:Carlton842@aol.com]
Sent: Monday, August 09, 2010 9:49 AM
To: Ethics (COE)
Cc: Duval, Dirk (GSA); Hoffman, Joel (Vizcaya); Logue, Thomas (CAO); Carlton842@aol.com
Subject: Request for Ethics Opinion

Mr. Robert Meyers
 Executive Director
 Miami-Dade Ethics and Public Trust Commission
 19 West Flagler Street, Suite 820
 Miami, Florida 33130

Dear Mr. Meyers:

I attach a letter requesting an opinion from the Miami-Dade Ethics and Public Trust Commission. I would be very appreciative if it could be addressed at the next meeting, on August 31st.

I am copying this request to Dirk Duval, Real Estate Officer, GSA, Joel Hoffman, Executive Director of Vizcaya Museum and Gardens, and Tom Logue, Assistant County Attorney.

8/9/2010

Thank you for your help.

Best regards,

Carlton Cole, MAI

Cole Appraisal Company
1501 Venera Avenue, Suite 217
Coral Gables, Florida 33146
305-667-7710 phone
305-667-9757 fax
Carltona842@aol.com

August 9, 2010

Mr. Robert Meyers
Executive Director
Miami-Dade Ethics and Public
Trust Commission
19 West Flagler, Suite 820
Miami, Florida 33130

Re: Request for Ethics Opinion
Vizcaya Museum and Gardens Trust

Dear Mr. Meyers:

We respectfully request an opinion from the Miami-Dade Ethics and Public Trust Commission ("Ethics Commission") on the following item:

May I, as a volunteer member of the Vizcaya Museum and Gardens Trust, a Miami-Dade County board that serves as the governing body for Vizcaya, a County owned and operated museum, contract with the Miami-Dade General Services Administration (GSA) to provide real estate appraisal services for real property unrelated in any way to Vizcaya?

Here are the facts which I believe to be relevant to this request:

1. In my individual capacity, I serve as an unpaid, volunteer member of the Vizcaya Museum and Gardens Trust based upon an appointment by a member of the Board of County Commission.
2. As the principal of Cole Appraisal Company, Inc., I responded to a request for proposals and was awarded a contract by GSA to perform real estate appraisal services for the Metro Rail South Corridor for strips of land lying between S.W. 37th Avenue and 57th Avenue, Miami-Dade County. See attached Proposal and Agreement for Appraisal Services.
3. Neither GSA nor the contract referred to in item 2 above is subject to the regulation, oversight, management, policy-setting authority of the Vizcaya Museum and Gardens Trust of which I am a member.

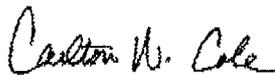
At the time that I responded to the GSA request for proposals, based upon presentations by representatives of the Ethics Commission, I believed that there would

be no conflict of interest in my entering into a contract as described in item 2. Until recently, I was not aware of the requirement that I seek an opinion of the Ethics Commission in this matter. I am simultaneously submitting to you this request for an opinion from the Ethics Commission and notifying the appropriate GSA personnel responsible for administering the contract referred to in item 2 of this pending request.

Please contact me if there are any questions about this request for an opinion from the Ethics Commission.

Sincerely yours,

Cole Appraisal Company, Inc.



By: Carlton W. Cole, MAI

CC: Dirk Duval, Real Estate Officer, GSA (305-375-2284), dpduval@miamidade.gov

Joel Hoffman, Vizcaya Museum and Gardens (305-860-8422), joel.hoffman@vizcayamuseum.org

Tom Logue, Assistant County Attorney (305-375-5067), Logue@miamidade.gov

07/20/2010 09:40 FAX 305/375-1157
07/13/2010 14:28 3056679757

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GSA REDD-APPLICATIONS



General Services Administration
Real Estate Development
111 N.W. 1st Street, Suite 2460
Miami, FL 33128-1994
Fax 305-375-1157

Proposal and Agreement for Appraisal Services General Services Administration, Real Estate Development

Firm : Project : MDY; Metro Rail South Corridor
Appraiser : Location : Strips laying between S.W. 37th Ave and 57th Ave
Parcel : See attached Survey and Legal Description
Reo # : R-797-00

A self contained appraisal and a review appraisal report determining Fair Market Value of the subject property. The appraisal must include the linear strips as well as the irregular strips of parcels also (1) through twelve R (12R) traversing over approximately six to ten thousand feet of the metrorail south corridor right of way. The properties are slated to be leased in the form of a lease and/or license agreement of the areas needed for FPL and the areas needed beginning at S.W. 57 Ave. (Red Road and ending at Douglas Road Station. (including air space) Each parcel is to be appraised individually/separately but, to be tally into one complete appraisal report. Please include a CD/DVP copy of the appraisal with the report. Please advise by fax to 305-375-1157, if access to the site is required to determine an appraisal proposal fee.

THE PROPOSAL IS DUE BY 4:00 PM TUESDAY, JULY 13, 2010

Please submit via this document the fee and anticipated time of completion of an appraisal report for the above-referenced project. You may be required to appear at pre-trial preparations and testify as to your valuations at a trial. You may also be asked to consult on this project with county administrators as a separate matter from the actual appraisal preparation. Therefore, please submit in the space provided below your per diem rates for hourly, half day and full day appearances. It is agreed by Miami-Dade County and the undersigned that the final work product shall be in compliance with the most current Uniform Standards of Professional Appraisal Practice (USPAP), as promulgated by the Appraisal Standards Board of the Appraisal Foundation, and the requirements of the State of Florida for state-certified appraisers. It is also agreed that the fee quoted below includes furnishing a work product that complies with the current Miami-Dade County requirements. This includes furnishing a minimum of two (2) copies of the final work product. The appraiser shall not be entitled to additional fees for correcting or supplementing a final appraisal report submitted in order to have said report comply with and/or contain the information required by Miami-Dade County for the appraisal report package. Please return a copy of this document with signature by Fax no later than **4:00 PM TUESDAY, July 13, 2010** to 305-375-1157.

Upon completion, please deliver the original materials to Miami-Dade County General Services Administration, 111 N.W. 1 Street, Suite 2460, Miami, Florida 33128 Attention: DEREK DUVAL, REAL ESTATE OFFICER. In accordance with Section 2-11.1 of the Code of Miami-Dade County, questions regarding the proposal may only be answered if submitted in writing to the above address, or by fax to 305-375-1157, with a copy sent to the Clerk of the Board, Suite 17202, at the same address until such time as this appraisal assignment is awarded. Should your proposal be selected at the Appraiser Selection Committee meeting, Miami-Dade County shall return a properly executed copy of this document which will serve as your authority to proceed. Thank you for your cooperation.

Appraiser Selection Committee meeting:

MAXIMUM FEE FOR APPRAISAL REPORT UNDER THIS AGREEMENT: \$ 9,000.00

TIME OF COMPLETION FROM RECEIPT OF ACCEPTANCE BY COUNTY: 30 days

HOURLY: \$50 PER DIEM: 1/2 Day: 200 Full Day 240

RESPECTFULLY SUBMITTED: CAROLAN W. FANE
State Certification No. 12-201
Date: 7-13-10

ACCEPTED BY: [Signature]
Miami-Dade County

PER THIS PROPOSAL, THE FINISHED PRODUCT IS EXPECTED TO BE DELIVERED TO THIS OFFICE BY REPORT DUE DATE (). UNLESS AN EXTENSION IS APPROVED IN WRITING BY MIAMI-DADE COUNTY, THE APPRAISER ACKNOWLEDGES THAT THEY WILL BE IN DEFAULT OF THIS AGREEMENT AND NOT ENTITLED TO COMPENSATION FOR ANY PORTION OF WORK COMPLETED.