



MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

September 9, 2013

Jose Smith, City Attorney
City of Miami Beach Office of the City Attorney
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

Re: INQ 13-215
Employment of your son, Daniel Smith, by Lydecker Diaz, a law firm that contracts with the City of Miami Beach City Attorney's Office

Dear Mr. Smith:

You asked about potential conflicts of interest regarding the employment of your son, Daniel Smith, by Lydecker Diaz, a law firm that occasionally is retained by the City of Miami Beach City Attorney's Office as outside counsel.

The safeguards you enumerated in your letter of August 26, 2013, should be sufficient to avoid appearances of impropriety and/or possible violations of the County Ethics Code at Secs. 2-11.1 (c), (d), (g), (m), and (n).

You stated that neither you nor your son, who is employed as an associate in the law firm, hold any ownership interests in the firm. Additionally, your son's compensation will not be affected by the firm's work with the City. Consequently, Sections (c)(1), (d), and (n) of the County Ethics Code are not violated when the City enters into contracts with the law firm.

By separating yourself completely from any official actions related to the law firm, you forestall possible violations of exploitation of official position, as prohibited at Sec. (g), and improper appearances before the City on behalf of the law firm, as prohibited at Sec. (m)(1).

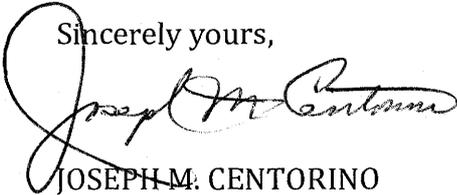
We concur with the conditions you've established to avoid appearances of any conflicts of interest:

1. Your son will do no work at the law firm involving the City of Miami Beach.
2. Your son will be paid a fixed salary. He will share in none of the firm's profits, and his compensation will not be affected by the firm's work with the City.
3. You will not participate as City Attorney in any decisions to assign the firm additional work (if any is to be given) as long as your son is employed by the firm.
4. The authority to assign additional work to the firm (if any) and to approve fees shall be delegated to one of your two Chief Deputies.
5. Your staff shall periodically report to the Commission on Ethics any new legal matters assigned to the firm certifying that you have had no influence in hiring the firm or in determining the amount to be paid to the firm.

We appreciate the efforts you have made in this matter and hope that these safeguards serve as examples of transparency and accountability for others in local government.

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County or State laws. Inquiries regarding possible conflicts under State ethics laws should be directed to the State of Florida Commission on Ethics.

Sincerely yours,



JOSEPH M. CENTORINO
Executive Director and General Counsel