

M E M O

COMMISSION ON ETHICS & PUBLIC TRUST

TO: John Hearn, City Attorney, City of Doral

COPY: Robert Meyers, Executive Director

FROM: Victoria Frigo, Staff Attorney

DATE: August 2, 2005

RE: INQ 05-115 Various Conflict of Interest Questions regarding City Officials

QUESTION 1: May the law partner of a city mayor represent clients in matters not related to city business?

ANSWER: YES, as long as the mayor does not benefit these clients by exploiting his official position (prohibited under Section 2-11.1 (g) of the Conflict of Interest and Code of Ethics Ordinance) or by disclosing confidential information obtained through his official position (prohibited under Section 2-11.1 (h)).

QUESTION 2: May the law partner of a city mayor represent clients in matters *before city government*?

ANSWER: NO. Section 2-11.1 (m) prohibits the mayor (and his law partner) from appearing before any city entity adjudicating city-related matters on behalf of a third parties. Additionally, Section 2-11.1 (d) prohibits the mayor from voting on any matters affecting the clients of his law partner. In this situation, the mayor is required to absent himself from the council meeting during discussions regarding these clients and not vote or participate in any way on matters involving these clients.

QUESTION 3: May a city commissioner, while employed by a large insurance company, vote on matters relating to the *clients of other agents* within the insurance company?

ANSWER: YES. As long as the city commissioner does not benefit financially from the decisions made regarding these clients, the commissioner may vote on matters before the city council that affect other agents' clients.

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, August 02, 2005 3:32 PM
To: 'attyhearn@aol.com'
Cc: Meyers, Robert (COE)
Subject: INQ 01-115 Hearn-Doral

John: If you have any questions regarding these topics, which we discussed on Monday, please feel free to call me at (305) 350-0601. Victoria

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