

MEMO

TO: Eve A. Boutsis

COPY: Robert Meyers

FROM: Victoria Frigo

DATE: Aug. 31, 2005

RE: INQ 05-135

Nagin Gallop Figueredo Law Firm

Prohibition on exploitation of official position §2-11.1 (g)

Good Morning Eve:

Robert Meyers asked me to respond to your question regarding the law firm of Nagin Gallop Figueredo contracting with a landlord in the Village of Palmetto Bay. Robert and I have consulted and recommend the following:

FACTS: The law firm of Nagin Gallop Figueredo represents the Village of Palmetto Bay. The firm would like to lease office space, at fair market value, in the “Palmetto Bay Village Center”—a property owned by Scott Silver. In the past, Mr. Silver and his agents have presented applications to the village council regarding this property and are likely to do so in the future. The Nagin Gallop Figueredo law firm, as a tenant of Mr. Silver and legal counsel for the village, would be in a position to provide legal advice regarding these applications. The only relationship the law firm has with Mr. Silver is one of tenant-landlord, and this relationship is expected to expire in December 2005, when the law firm moves elsewhere to permanent headquarters. The firm does not have any other relationship or any direct or indirect financial interest in Mr. Silver’s properties.

ISSUE: May a firm that provides legal representation to a village contract for a lease with a landlord who may be presenting applications to the village?

ANSWER: YES, the law firm may provide legal representation. However, the firm is cautioned that the Conflict of Interest and Code of Ethics Ordinance § 2-11.1(g) prohibits using one’s official position to secure special privileges or exemptions for oneself or others.

The firm has no conflict as long as it does not seek to benefit itself or firm personnel through the legal advice rendered to the village regarding the landlord, his agents, or the leased property. Additionally, the firm should avoid the appearance of impropriety. For example, a legal opinion proffered by the firm to the village that resulted in a significant financial boon to the landlord might appear, albeit very indirectly, to benefit the law firm renters.