

Ethics (COE)

TN 05-28

From: Ethics (COE)
Sent: Thursday, March 03, 2005 1:22 PM
To: 'ken forbes'
Subject: RE: Conflict of Interest(COI)

Mr. Forbes,

Based upon the information you have provided me, I find that no conflict of interest exists when developers who have retained your services appear before Community Council 15, the Council on which your wife sits. This conclusion is based upon the fact that your wife does not stand to profit from or be enhanced by any action the Council takes regarding the developers who have matters pending before the Council and have a contractual relationship with you. I assume that a developer's decision to utilize your services is not tied to a favorable ruling/decision from Community Council 15. If this were the case, then I would reach a different conclusion.

As an aside, although it is not conflict of interest under the County Code to address Community Council 15 as a spokesperson of the Community Advisory Committee, you and wife need to understand that when her council sits in its quasi-judicial capacity, anything that might create a sense of bias or unfairness should be avoided. Therefore, the question she has to answer is whether she can be objective about items that come before the Council when you, her spouse, is appearing either to support or oppose them.

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

Thank you,

Robert Meyers

-----Original Message-----

From: ken forbes [mailto:ccoorken@bellsouth.net]
Sent: Wednesday, March 02, 2005 7:19 PM
To: 'Ethics (COE)'
Subject: RE: Conflict of Interest(COI)

Hi Robert,

I am asked to help assess the issues that may be of community concern and to help coordinate community forums for discussion of projects or activities that are being considered for those communities. I am also giving advice to developers/representatives on their preparation for presentations to the communities, CZAB(s), County Commissioners or other governmental bodies.

Understand me clearly on the concerns of COI I do not except any assignment before Community Council 15 and as I stated in my earlier e-mail I only address Community Council 15 as the spokesperson of the Community Advisory Committee. My question is based on the fact some of these same developers or their representatives has business before Community Council 15.

I hope this help give clarity to the issue and that you can

-----Original Message-----

From: Ethics (COE) [mailto:ethics@miamidade.gov]
Sent: Wednesday, March 02, 2005 1:57 PM
To: ken forbes
Subject: RE: Conflict of Interest

Mr. Forbes,

I apologize for not responding to your follow-up e-mail sooner. After conferring with my staff attorney, we feel we need some more information

about the terms and conditions of your relationship with the developers who retain you. The obvious concern from our standpoint is whether a vote by your wife that benefits or harms the developer could have a financial impact on her indirectly (by virtue of your employment with the same developer). In other words, what services do you actually provide the developer and how is your performance measured or evaluated?

As soon as I get answers to these questions, I will respond to your request within 24 hours.

Thanks,

Robert Meyers

-----Original Message-----

From: ken forbes [mailto:ccoorken@bellsouth.net]

Sent: Tuesday, February 15, 2005 6:46 AM

To: 'Ethics (COE)'

Subject: RE: Conflict of Interest

Mr. Myers,

I thank you for responding to my inquiry in an expeditious manner. What I also needed was an opinion in the area of other public meetings as well. I may not have been specific in pointing out that I am considered to be a Community Outreach Specialist and from time to time I may be retained as a consultant for developers or their representatives on projects being presented at other public hearings (not Community Council - 15. (i.e., Community Zoning Appeal Boards, Board of County Commissioners etc.) With my wife serving on one of the Community Zoning Appeal Boards and developers or their representatives having business before all of them and the BCC; what is the opinion of COE regarding conflict of interest? I await your response.

Ken Forbes

-----Original Message-----

From: Ethics (COE) [mailto:ethics@miamidade.gov]

Sent: Monday, February 07, 2005 3:08 PM

To: ken forbes

Subject: RE: Conflict of Interest

Mr. Forbes,

Thank you for your inquiry and I discussed it over with our staff attorney. She and I agree that no conflict of interest exists if you appear as a representative of the Naranja CAA/DHS Community Advisory Committee before the Community Council on which your wife sits. However, if the Community Council is exercising its quasi-judicial authority with respect to a zoning question and you speak, there could be a claim that your wife is biased because she could be unfairly swayed by your testimony. This isn't a violation of the County Code of Ethics Ordinance, but it could be grounds for an appeal of an unfavorable ruling by the Community Council. Moreover, I assume that your appearance on behalf of the agency does not translate into a financial benefit to you or your wife. If for some reason you or your wife could benefit because of your presentation to the Community Council, then it would be improper for you to speak.

If you have any questions or wish to discuss the above with me in greater detail, please contact me at your convenience.

Sincerely,

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

-----Original Message-----

From: ken forbes [mailto:ccoolken@bellsouth.net]
Sent: Thursday, February 03, 2005 8:10 AM
To: ethics@miamidade.gov
Subject: Conflict of Interest

I serve on the Naranja CAA/DHS Community Advisory Committee which is in place as a means of complying with Federal Regulation for citizen participation. From time to time businesses, corporations, organizations, developers and the likes come before our committee with projects and seek our support at public hearings. Some of these same entities have supported our committee financially in community endeavors but not as quid pro quo or personally. The question I have for the Ethic Commission is; My wife, Patricia A. Forbes was elected to Community Council 15, as the Chair of my committee and its spokesperson at public hearings, am I prohibited from speaking on behalf of the community? I would appreciate a response from your office as quickly as possible but with proper diligence afforded this matter.

Sincerely

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