

INA 05-08

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**Prkic, Christina (COE)**

**From:** Prkic, Christina (COE)  
**Sent:** Friday, January 14, 2005 5:48 PM  
**To:** 'jwaldman@ci.homestead.fl.us'  
**Subject:** Your ethics inquiry

Councilwoman Waldman:

Thank you for taking the time yesterday to speak with Rodzandra and me about the Ethics Commission's community education and ethics training programs. As we indicated, we appreciate your effort and look forward to working with the City of Homestead in implementing upcoming workshops for city personnel and officials.

During our meeting, you requested an informal opinion about a potential voting conflict. I reviewed your question with Robert Meyers and base the response on the facts you provided to me at the meeting.

You indicated that you represent a seller as the listing agent on several properties in Florida City. The purchaser of those properties, [with the contract still pending on the sale] has a matter coming before your City Council and you asked whether the Code of Ethics prohibits you from participating in and voting on that matter involving the purchaser of the Florida City properties, of which you are the listing agent.

Since you stated that the matter before the City Council does not pertain to any land/real estate issue which you or your immediate family is involved with and/or has a financial interest in, I gather that the purchaser may have a quasi-judicial item before the Council. The nature of the item was not made clear to me. In any event, given the above-mentioned facts, the Conflict of Interest and Code of Ethics Ordinance does not prohibit you from participating in or voting on the matter presented by the purchaser of your listed properties. Section 2-11.1 (d) provides,

*Additionally, no person included in the term defined in subsection (b) (1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary... or if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally.*

You do not have one of the enumerated relationships with the purchaser as outlined in this section, nor does it appear, based on the facts presented, that you would benefit in a manner distinct from the manner in which it would affect the public. If the purchaser's item involves a quasi-judicial matter, i.e., a variance, permitting or other general zoning/land use matter, one could argue that at minimum, there might be an appearance of impropriety problem, particularly if the sale is still pending and you stand to gain a commission. Arguably, you may have an interest in being favorable toward the purchaser's matter before the Council while the sale is still pending; however, this possibility does not rise to a legal conflict prohibiting you from voting under the Code of Ethics. Of course, if the sales are complete and assuming the remaining facts are the same, the appearance problem would be eliminated.

Should you have any additional questions or concerns please do not hesitate to contact me or Robert Meyers at (305) 579-2594.

Sincerely yours,

Christina Prkic  
Staff Attorney  
Miami-Dade County Commission on Ethics and Public Trust  
P: (305) 350-0615

**Prkic, Christina (COE)**

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**From:** JWal304677@aol.com  
**Sent:** Friday, January 14, 2005 6:01  
**To:** cprkic@miamidade.gov  
**Subject:** Re: Your ethics inquiry

Christina,  
Thank you so much for your reply.  
I am very excited about implementing the ethics training workshops.  
I have moved this to the top of my priority list.  
We will be talking very soon.  
Have a great weekend.  
Judy Waldman