

MEMO

TO: Eve A. Boutsis

COPY: Robert Meyers

FROM: Victoria Frigo

DATE: Aug. 31, 2005

RE: INQ 05-134

Luis R. **Figueredo**, Esq.

Prohibitions on exploiting one's official position § 2-11.1 (g)

Good Morning Eve:

Robert Meyers asked me to respond to your question regarding Luis R. Figueredo's legal representation of the Village of Palmetto Bay. Robert and I have consulted and recommend the following:

FACTS: Mr. Figueredo is an attorney who provides specialized legal services to the Village of Palmetto Bay. His eldest child attends Palmer Trinity School in Palmetto Bay. The school may be seeking a zoning change from the village in the near future. Mr. Figueredo has no relationship with Palmer Trinity School other than his child's attendance there.

ISSUE: May an attorney provide legal representation for a village if a private school in that village, which the attorney's child attends, is planning to file a zoning application with the village?

ANSWER: YES, the attorney may provide legal representation. However, he 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 attorney has no conflict as long as he does not seek to uniquely benefit himself or his immediate family through the legal advice he renders to the village regarding the school.