

Ethics (COE)

INQ 05-161

From: Ethics (COE)
Sent: Thursday, September 29, 2005 1:23 PM
To: 'Gachysolares@aol.com'
Subject: RE: CONFLICT QUESTION - (Hard copy of email being hand delivered to Commissioners)

Ms. Solares,

As Executive Director of the Miami-Dade Commission on Ethics and Public Trust, I want to inform you that the Ethics Commission is not permitted to give you an opinion about another party's conduct. Only an individual who is directly affected by the decision has standing to seek an opinion. If you believe a violation of one of our ordinances has occurred, you can contact our office with the specifics and we have the authority to conduct an investigation.

Without answering your questions directly, I can advise you that elected officials ought to recuse themselves in situations where their spouses appear before their Commissions/Councils representing third parties, particularly when compensation is associated with the representation. Recusal means that the elected official is barred from participating in the discussion and is not permitted to vote. In effect, the elected official should be absent from the proceedings during the time the matter involving the spouse is under consideration by the governing body.

Sincerely,

Robert Meyers

From: Gachysolares@aol.com [mailto:Gachysolares@aol.com]
Sent: Tuesday, September 13, 2005 3:44 PM
To: ethics@miamidade.gov
Subject: CONFLICT QUESTION - (Hard copy of email being hand delivered to Commissioners)

Kerry E. Rosenthal, Chairman
Gail A. Dotson, Vice Chair
Dawn Addy
Judge Seymour Gelber
Brenda Rivera
Commission on Ethics and Public Trust
19 W. Flagler Street
Suite 209
Miami, Florida 33130

Dear Commissioners:

I have a question for this Board. Recently I read that a Judge in Palm Beach County recused himself from a case because one of the litigants before him had retained the services of a law firm that employed the judge's wife.

My question is: Is there a conflict when the spouse of a Commissioner, whether County or City, is employed by a law firm that represents applicants in a matter before the Commission? Is the spouse's compensation from the law firm considered a direct benefit to the Commissioner? Is the spouse's compensation from the law firm considered an indirect benefit to the Commissioner? Are the bonuses, perks, etc., from the law firm to the spouse, considered either a direct or indirect benefit to the Commissioner?

Under each of the above circumstances, should a Commissioner recuse himself/herself from participating in any decision relating to a matter before the Commission while the Commissioner's spouse is employed by the applicant and/or the law firm representing the applicant?

9/29/2005

Your earliest response to all of the foregoing questions would be greatly appreciated. We, the public, rely upon your guidance as to ethical issues.

Thank you so much for your anticipated response.

Graciela Solares
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