

INQ 06 29



March 6, 2006

Dear Ms. Wiener,

ETHICS COMMISSIONERS

Kerry E. Rosenthal, CHAIRPERSON
Gail A. Dotson, VICE CHAIRPERSON
Seymour Gelber
Dawn E. Addy
Brenda Rivera

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

I am in receipt of your fax dated March 6, 2006 and I wanted to respond promptly. You indicate in your fax that you are a member of Community Council 7 and you are employed as a realtor. You state that on Wednesday, March 8th your Community Council will consider amendments to the CDMP land use plan, including several applications. With respect to the first application on the agenda, you have decided to recuse yourself based on the fact you sold part of the land to the applicants and you are currently doing business with them. Regarding the second and third applications, you indicate that you sold the applicants a small parcel of land last year. I am inferring from this that you do not have a current business relationship with them. Your question is whether you have to recuse yourself with respect to the second and third applications because of your prior dealings with these applicants.

In order for a voting conflict to exist under the County Conflict of Interest and Code of Ethics Ordinance, the official must have one of the enumerated relationships delineated in the Code or the official must receive some special benefit by voting on the matter. Based on the facts you have provided, no ongoing relationship exists between you and the applicants, as the real estate sale occurred last year. Moreover, any decision by the Community Council regarding applications two and three will not uniquely benefit you. Therefore, under the circumstances, you may participate in the discussions and vote on applications two and three.

If you have any questions concerning the above, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director

COMMUNITY DEVELOPMENT
AND ENVIRONMENT

05 MAR -6 AM 11:40

March 6, 2006

Mr. Robert Myers
Fax: 305 579 1093

Dear Mr. Myers:

I have a problem and I need your legal advice, I wear three hats. I'm owner, I'm a Realtor and I'm a member of the community counsel N*7. We have a hearing and applications to the amendments the CDMP land use plan at Biscayne Shores, on Wednesday the 8th on this month.

In application number * 1, I know I have to recuse my self, I sold part of the land to the applicant and I have a current business with them , in Application N*2 and 3, I sold them a small piece of parcel last year, my questions is I have to recuse my self or not ?

Please advice and thank you.

Very truly yours.



Fanny Wiener
Fax: 305-899-1555
Phone: 305-992-7182

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Urgent
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To:	Fanny Wilner
From:	Robert Myers
Fax:	(305) 992-7152
Phone:	899-1555
Date:	3/6/01
Pages:	2
Re:	Ethics Opinion - CC: