

**CHARLES M. BARON  
ATTORNEY AT LAW**

SUITE 701  
633 N.E. 167TH STREET  
NORTH MIAMI BEACH, FLORIDA 33162  
TEL (305) 770-1410  
FAX (305) 770-1538

CIVIL LITIGATION IN  
FEDERAL AND STATE COURTS  
CIVIL RIGHTS  
PERSONAL INJURY  
GENERAL PRACTICE

January 22, 2001

VIA FAX

- 1 page

Ardyth Walker  
Commission on Ethics and Public Trust  
Fax (305) 579-2656

Dear Ms. Walker:

As we discussed, here is the situation I need a verbal or written opinion on as soon as possible:

I am a member of the Northeast Miami-Dade Community Council. I took office in November 2000. Prior to my election, I became a party to a suit against the County and a storage building company challenging the same Community Council's approval of a storage building being put on a lot next to my condo.

After we lost in the Circuit Court, I, as both a party and the attorney of record, succeeded in getting the Third District Court of Appeal to overturn the decision, thereby preventing the erection of the building. I was then elected to the Council.

Now that the 3rd D.C.A. has denied rehearing, the County Attorney has now stated an intention to petition to the Florida Supreme Court to take this case. I would now like to contact the Mayor, County Manager, and all County Commissioners to ask them to put a stop to the County taking this matter to the Florida Supreme Court, as the community is overwhelmingly opposed to the storage building project. I would also like to urge the people in my community to contact the same officials with this request.

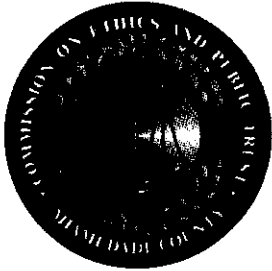
The County has until February 2, 2001 to file their jurisdictional brief, which is why time is of the essence here.

Thank you for your prompt attention in this matter.

Very truly yours,



Charles M. Baron, Esq.



January 24, 2001

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairperson  
Charles A. Hall, Vice Chairperson  
Elizabeth M. Iglesias  
Knovack G. Jones  
Robert H. Newman

**ROBERT A. MEYERS**  
ASSISTANT DIRECTOR

**WILLIAM P. MURAWSKI**  
ATTORNEY

**ANDY WALKER**  
LEGAL COUNSEL

Charles Baron  
633 N.E. 167<sup>th</sup> Street  
Suite 701  
North Miami Beach, FL 33162

Dear Mr. Baron:

I received your letter of January 22, 2001 where you requested a written opinion. In your letter, you stated that you are a member of a Community Council and that you were elected in November, 2000. Prior to your election to the Community Council, you were a party to a suit against Miami-Dade County and a storage company challenging the approval of a storage facility being built next to your condominium. The Third District Court of Appeal found in your favor and the County Attorney has stated an intention to petition the Florida Supreme Court. You would like to know if you may contact the County Manager and elected officials regarding the community's opposition to the project and any continued litigation.

The Conflict of Interest and Code of Ethics ordinance permits you to contact the County Manager and elected officials regarding this matter but you may not be compensated for any services to a third party regarding the decision nor may you appear as counsel for the third party in connection to the litigation. Section 2-11.1(m)(2) provides that "No person included in the terms defined in subsections(b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel and advisory personnel] shall appear before the County board or agency on which her or she serves, either directly or through an associate, and make a presentation on any

license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit sought by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question.

Section 2-11.1(m)(2) does not prohibit you from speaking to the County Manager or county commissioners regarding this matter. However, Section 2-11.1(m)(2) does prohibit you from serving as counsel or legal advisor to the other plaintiffs in this action because the Community Council on which you serve is involved in this action. Section 2-11.1(m)(2) further prohibits you from receiving compensation in regard to any lobbying of the County Manager or elected officials regarding the Court's decision. Accordingly, you may not appear as counsel or in any other compensated capacity if you appear before the County Manager or elected officials regarding this matter.

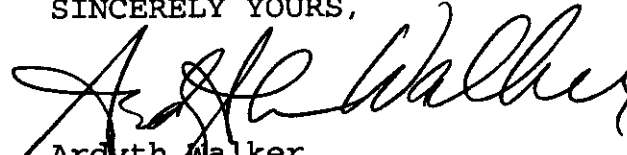
Therefore, the Conflict of Interest and Code of Ethics ordinance permits you to speak with the County Manager or elected officials regarding this matter but you may not serve as counsel to a third party or be compensated by any third party regarding this matter or any other matter involving the Community Council on which you serve.

Please be advised that this is an informal opinion that is being issued because of the time constraints involved in your request. The Ethics Commission has not reviewed this

matter and this is not a formal opinion. You may request a formal Ethics Commission opinion which will be rendered at the February meeting.

Please contact the undersigned if you have any questions or I can provide any further assistance.

SINCERELY YOURS,



Ardyth Walker  
STAFF GENERAL COUNSEL



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01-03

January 24, 2001

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairperson  
Charles A. Hall, Vice Chairperson  
Elizabeth M. Iglesias  
Knovack G. Jones  
Robert H. Newman

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Charles Baron  
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