



ETHICS COMMISSIONERS

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

August 2, 2001

Patrick Vilar, Esq.
Bofill & Vilar, P.A.
Penthouse 1120
999 Ponce de Leon Blvd.
Coral Gables, FL 33134

Dear Mr. Vilar:

I am in receipt of your request for opinion, which I received by fax on August 1, 2001. I mentioned to you in a telephone conversation we had that the Ethics Commission, which has the authority to issue formal opinions, does not meet again until August 14, 2001. You stated you would accept an informal opinion due to some time constraints on your end.

The relevant facts are as follows: You are the chairman of the Kendall Community Council and your potential client is a lobbyist who is being sued in a five count complaint. You state that your potential client was hired by the plaintiff to secure grant funding, was successful, but the grant was later revoked due to the plaintiff's noncompliance with zoning ordinances. You further state that the variances requested by your potential client were denied by a zoning board long before you were appointed to sit on the Kendall Community Council.

On its face, there appears to be no conflict; however, if the County is or becomes a party to this action, this could create a conflict of interest for you. Assuming the County is not a party to this proceeding, the Ethics Commission's staff general counsel and I conclude that your representation of this potential client is not barred by the County's Code of Ethics and Conflict of Interest Ordinance. If, during the course of the litigation, the County is joined in this matter, or you find the need to take depositions from County officials/employees regarding this matter, you may wish to seek another opinion from the Ethics Commission.

If you have any additional questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers

INO 01-28

Bofill & Vilar, P.A.*Attorneys at Law*

José C. Bofill, Esquire*
Patrick Vilar, Esquire*
* Florida Bar & U.S. District Court,
Southern & Middle Districts of Florida.

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Coral Gables, FL 33134
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E-mail: bvlaw@bvlaw.com

August 1, 2001

Via Facsimile & U.S. Mail

Robert Meyers, Esq.
19 West Flagler, Suite 220
Miami, Florida 33130
Fax: (305) 579-2656

RE: Potential Conflict Opinion

Dear Mr. Meyers:

I am the chairman of the Kendall Community Council and I have been approached by a potential client to represent him in a case that is somewhat related to a zoning board decision made some time ago. I was appointed to the Kendall Community Council in December of 1999 when a vacancy occurred in my subarea and subsequently I was elected in September of 2000.

My potential client is being sued for five (5) counts: Conspiracy to deprive plaintiff of protected liberty and property interests in pursuing use variance and selling/refinancing her property without due process, conspiracy in violation of equal protection and the fair housing act, tortious interference with grant-funding contract, interference with advantageous grant funding relationship and interference with advantageous business relationships for sale or refinancing of subject property.

The potential client was hired as a lobbyist by the plaintiff in 1994-1995 to secure grant money from the state, county and other governments. He succeeded and the grant was later revoked due to the plaintiff's non compliance with zoning ordinances. She requested variances and they were denied.

I would like to know if there are any conflicts of interest considering the subject matter and my position. Please respond as soon as possible to the address or fax listed above. Thank you for your anticipated prompt attention to this matter.

Sincerely,



Patrick Vilar, Esq.

PV/na

cc: Ramon Maury

Bofill & Vilar, P.A.

Penthouse 1120
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DATE: August 1, 2001 TIME: 3:56 PM

TO: Robert Meyers, Esq.

FAX NO.: (305) 579-2656 # PAGES: 2
(Including Cover)

RE: Ethics opinion

FROM: Patrick Vilar, Esq.

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MESSAGE:

ORIGINAL TO BE MAILED: Yes No

** If all pages are not received or if any pages are illegible, please notify sender at (305) 442-0606 . Thank you.



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August 2, 2001

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Sincerely,

Robert Meyers

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Fax

To: Patrick Villar, Esq. From: Robert Meyers

Fax: 443-0333 Pages: 2, including cover sheet

Phone: _____ Date: 8/2/01

Re: _____ CC: _____

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