

Meyers, Robert (COE)

To: MYWOLFBO@aol.com**Subject:** RE: Re-CDMP Opinion

Dr. Wolf,

Thank you for your inquiry and I understand you want an opinion before you leave town for the Thanksgiving holiday. As we discussed over the telephone, I appreciate Commissioner Heyman's concerns regarding your reappointment, but I will furnish the opinion to you and you can forward it to the Commissioner.

Based on the facts you have provided my office, I understand a Comprehensive Development Master Plan application for the Williams Island Golf Course was brought before your Community Council and was handled as a legislative matter. After a decision by your Community Council, the matter was presented to the county's Planning Advisory Board and the County Commission. You appeared and spoke in front of both boards and have been heavily involved and have strong opinions about this application. On September 5, 2002, our office gave you an opinion which stated that you were permitted to participate in the discussions and vote on items involving the initial application. You have reason to believe that an amended application is likely to be presented to Community Council 2 in the near future.

Assuming that the amended application will be heard by Community Council 2 in its non-zoning capacity, the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance does not bar you from taking part in these proceedings and voting on this subject, even where you have publicly stated your opinion and have attempted to influence others concerning this application. The simple reason for my determination is that the amended application will be handled by the Community Council legislatively.

If in the future, a zoning application involving the Williams Island Golf Course comes before your Community Council, you might have to recuse yourself for two possible reasons. One, under state law, governmental officials sitting in a quasi-judicial capacity are expected to review each application in an objective and unbiased fashion. Based upon your prior conduct and activities with respect to Williams Island, one might be able to conclude that you might be biased and thus unable to give the applicant a fair hearing. Secondly, if the Northeast Dade Coalition were to take a formal position, as it pertains to a Williams Island Golf Course zoning application, and the Coalition's position is articulated to the Community Council, you would most likely have a voting conflict under County law. The conflict would exist due to the fact you are on the Coalition's Steering Committee and cannot hear matters as a Community Council member when the Coalition appears before the Community Council to present its position. If your involvement with the Coalition is as a general member, rather than an officer or a person with a fiduciary duty to the organization, the voting conflict may not exist.

I hope this helps and I suggest that if you are reappointed to the Community Council, you keep our office apprised of issues dealing with the Williams Island Golf Course, the Northeast Dade Coalition and your Community Council.

Sincerely,

Robert Meyers

-----Original Message-----

From: MYWOLFBO@aol.com [mailto:MYWOLFBO@aol.com]**Sent:** Tuesday, November 26, 2002 12:28 PM**To:** RMEYERS@miamidade.gov**Subject:** Re-CDMP Opinion**Robert:****Commissioner Heyman is asking me specifically:**

11/27/02

If I am reappointed to C. C. 2, am I allowed to vote on a new application given that I was involved with my community and public hearings on the first Application. She is requesting a specific opinion.

In your letter, please specify: "regarding Dr. Wolf's request for reappointment to C. C. 2, and voting on a new CDMP Application for the Williams Island Golf Course....."

I commend your staff for their responsiveness, and thank you for your time.

Bob Wolf

VIA FAX (305) 652-5127

October 22, 2002

Dr. Bob Wolf
538 N.E. 199 Lane
Miami, FL 33179

RE: Inquiry pertaining to potential conflicts

Dear Dr. Wolf:

As a member of Community Council 2, you are requesting an opinion regarding any potential conflict of interest related to your presentation before both the Planning Advisory Board [PAB] and the Board of County Commissioners [BCC] regarding the Comprehensive Development Master Plan application between N.E. 2nd and N.E. 10th Ave, south of 199 ST.

Based upon the facts you presented and after reviewing this matter with Robert Meyers, we find that the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance does not prohibit you from presenting recommendations and comments to both the PAB and the BCC in regard to the Comprehensive Development Master Plan.

Although, we find that there is no conflict should other members of Community Council 2 also be present during the public meetings, questions of Sunshine Law are more appropriately addressed by the County Attorney's office.

Should you have any additional questions regarding this matter, please do not hesitate to contact Robert Meyers or me at (305) 579-2594.

Sincerely,

Christina Prkic, Esq.
Staff Attorney



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

VIA FAX

September 16, 2002

Dr. Bob Wolf
538 N.E. 199 Lane
Miami, FL 33179

RE: Inquiry pertaining to potential voting conflict

Dear Dr. Wolf:

You requested an opinion regarding any potential conflict of interest related to your participation in community meetings to discuss the Comprehensive Development Master Plan application between N.E. 2nd and N.E. 10th Ave, south of 199 ST. The property in question is two blocks south of your residence.

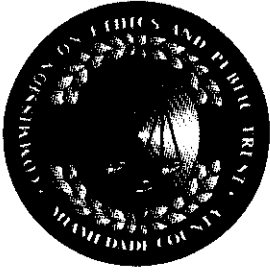
You serve on Community Council 2. On September 30th, the Council will address this issue and vote on a recommendation to present before the County Commission.

Based upon the facts you presented and after reviewing this matter with Robert Meyers, we find that the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance does not prohibit you from participating in the community meetings. In addition, you may vote on and participate in the issue at the September 30th Community Council meeting.

Should you have any additional questions regarding this matter, please do not hesitate to contact Robert Meyers or me at (305) 579-2594.

Sincerely,

Christina Prkic, Esq.
Staff Attorney



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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

VIA FAX

September 5, 2002

Dr. Bob Wolf
538 N.E. 199 Lane
Miami, FL 33179

RE: Inquiry pertaining to potential voting conflict

Dear Dr. Wolf:

You requested an opinion regarding any potential conflict of interest related to your participation in community meetings to discuss the Comprehensive Development Master Plan application between N.E. 2nd and N.E. 10th Ave, south of 199 ST.

You serve on Community Council 2, and the Council will address this issue and determine a recommendation at its meeting on September 30, 2002. In addition, your residence is two blocks south of the property in question.

Based upon the facts you presented and after reviewing this matter with Robert Meyers, we find that the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance does not prohibit you from participating in the community meetings.

Should you have any additional questions regarding this matter, please do not hesitate to contact Robert Meyers or me at (305) 579-2594.

Sincerely,

Christina Prkic, Esq.
Staff Attorney



INV 02-43

VIA FAX

September 5, 2002

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
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Dr. Bob Wolf
538 N.E. 199 Lane
Miami, FL 33179

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Dear Dr. Wolf:

You requested an opinion regarding any potential conflict of interest related to your participation in community meetings to discuss the Comprehensive Development Master Plan application between N.E. 2nd and N.E. 10th Ave, south of 199 ST.

You serve on Community Council 2, and the Council will address this issue and determine a recommendation at its meeting on September 30, 2002. In addition, your residence is two blocks south of the property in question.

Based upon the facts you presented and after reviewing this matter with Robert Meyers, we find that the Miami-Dade County Code of Ethics and Conflict of Interest Ordinance does not prohibit you from participating in the community meetings.

Should you have any additional questions regarding this matter, please do not hesitate to contact Robert Meyers or me at (305) 579-2594.

Sincerely,

Christina Prkic, Esq.
Staff Attorney

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To Miami-Dade Ethics Commission Attn. Christina Prkic 9-5-02

I request an opinion regarding my participation in community meetings to discuss Comprehensive Development Master Plan application between N.E. 2nd and N.E. 10th Ave., south of 199 St. (159 acres).

Community Council 2 will meet on Sept.30 to address the issue prior to going to the Planing Advisory Board and then the County Commission.

I am a member of Community Council 2, sub area 26. I live at 538 N.E. 199 lane, Miami. 33179. The property in question is located about 2 blocks south of my residence.

Thanks, Dr. Bob Wolf



FAX 305-652-7133

Dr. Bob Wolf
Northeast Community Council

538 N.E. 199 Lane Tel 305-652-5127
Miami Fla. 33179 E-mail MYWOLFBO@AOL.COM