

**Meyers, Robert (COE)**

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**From:** Robertson, Alyce M. (DERM)  
**Sent:** Wednesday, December 13, 2000 10:39 AM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Potential Conflict of Interest

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Thank you for your response. I do believe this is an isolated incident, however, because of the nature of the firm's clientele, I suspect that I will be confronting future questions of conflict of interest. To my knowledge, in this case, most of the information is in the Sunshine, and thus would not be confidential in nature. At any rate, I just spoke to one of the managing partners at the firm and it appears that they are going to decline this particular case because of my issues with it.

Alyce M. Robertson, Assistant Director  
Miami Dade Department of Environmental Resources Management  
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-----Original Message-----

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, December 13, 2000 8:46 AM  
**To:** Robertson, Alyce M. (DERM)  
**Subject:** RE: Potential Conflict of Interest

Alyce,

I consulted with our staff general counsel and she and I are of the opinion that there would be no conflict of interest for you provided you have nothing to do with the consent agreement. This means that you would not be permitted to negotiate, prepare or review the agreement. Mostly importantly, you must not make any recommendations with respect to this agreement prior to the director's approval. Under no circumstances would you be allowed to sign the agreement in the director's absence. In effect, procedures need to be created that remove you from any involvement in this matter. Having knowledge of the contents of the agreement does not necessarily present a problem; however, if you were to reveal confidential information about the matter to your husband you would be in violation of one of the sections of the Code of Ethics and Conflict of Interest Ordinance. I assume that once the agreements are signed by all parties, they become public records. If I am mistaken about this fact, please let me know. Also, keep in mind that if your husband's firm regularly represents clients whose interests are adverse to DERM, you could be faced with another set of problems. From what I gather, I suspect this is likely to be an isolated case rather than a common occurrence.

Finally, please realize my analysis of the facts is unofficial and not binding on the Ethics Commission. For a formal determination, you would have to go before the Ethics Commission.

If you have any questions concerning the above, please contact me at your convenience.

Robert Meyers

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

**From:** Robertson, Alyce M. (DERM)  
**Sent:** Thursday, December 07, 2000 5:06 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Potential Conflict of Interest  
**Importance:** High

My husband is a non-ownership partner in a law firm, effectively an employee of the firm. The law firm has been approached by a potential client to represent his interests in an issue having to do with a solid waste site owned by the City of Miami Beach that is under a

consent agreement with DERM. In my capacity at DERM, I supervise Joe Stilwell, Chief of the Enforcement Division. This division is responsible for the negotiation and preparation of consent agreements. I do not have direct involvement in the negotiation and preparation of the consent agreements, however, as they are routed for the Director's signature, I review the agreements prior to his signoff. In rare occasions, I may sign agreements in his absence.

In this case, I have not negotiated nor prepared the consent agreement with Miami Beach, but have knowledge of the agreement.

Does it present a conflict of interest if the firm is retained in this issue? How should I handle my professional role with regards to this issue?

What parameters should I follow for future? I have already recused myself from architects and engineering consultant selection committees, because many of their clients are architects and engineers. I would appreciate your assistance in establishing guidelines.

Alyce M. Robertson, Assistant Director  
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