

Meyers, Robert (COE)

INQ 03-105

To: Jeffrey A. Rynor
Subject: RE:

Jeff,

Sorry I haven't responded sooner, but I wanted to discuss the matter with Tom Logue before replying to you.

According to Section 2-11.1(v) of the County's Conflict of Interest and Code of Ethics Ordinance, a voting conflict exists only if a board member has a special relationship with any persons or entities appearing before the board and the board member will be directed affected by the action of the board. Because you are on the Board of Directors of the Vizcayans, which transacts business with the Vizcaya Trust, that prong of the test is met. However, any action taken by the Vizcaya Trust that affects the Vizcayans will not benefit you. Therefore, there is nothing in the Conflict of Interest Ordinance that bars you from assuming the position of Chair of Trust and retaining your directorship with the Vizcayans.

As a practical matter, it may not be wise for you to participate in matters involving the Vizcayans during your tenure as Chair of the Trust, but that is a judgment call for you to make. Also, you may consider resigning from the Board of the Vizcayans but continue to serve the Vizcayans as an active member, but once again, the law does not require you to take such action.

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

Thanks,

Robert Meyers

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

From: Jeffrey A. Rynor [mailto:jrynor@mitrani.com]
Sent: Thursday, November 06, 2003 12:22 PM
To: Meyers, Robert (COE)
Subject:

Dear Robert: It was a pleasure speaking with you this morning. In furtherance of our discussion this morning, the purpose of this e-mail is to formally request an opinion concerning the following issue:

Should I resign my position as a member of the Board of Directors of the Vizcayans as a result of becoming the Chair of the Vizcaya Trust next week?

As we discussed, the Vizcayans are a 501(c)(3) support group that raises funds for the restoration and preservation of Vizcaya. I serve on the Vizcaya Trust and the Vizcayans as an unpaid volunteer. The Vizcayans have been raising money for the benefit of Vizcaya since 1957. Recently, the Vizcayans entered into a second three year contract with the Vizcaya Trust. The contract in part, requires that the Vizcayans contribute a minimum of \$450,000 during the three year contract. The Museum director

is
the administrator of that contract.

The Vizcaya Trust is not a quasi judicial board. In addition, the ordinance (98-112) specifically designates the President of the Vizcayans as a member of the Trust. Tom Logue will be more than happy to answer any questions you may have. Thank you in advance for your assistance in this matter. I appreciate your help. Jeffrey Rynor