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INQ 03-24

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**Meyers, Robert (COE)**

**To:** Juan Carlos Bermudez

**Subject:** RE: Community Council 9 possible conflict of interest opinion

Mr. Bermudez,

Christina Prkic forwarded two e-mails to me and I wanted to respond in a timely manner. As I understand it, your community council is going to hear a request for a variance from a homeowner who lives in the Doral Isles Community Association. What isn't clear to me is whether this request has gone before the Association's Architectural Control Committee and the Community Association Board. If it has, and it is now before the Community Council, you would have to recuse yourself. The problem is that you would have had ex parte communications with the party who is now appearing before the Community Council in its quasi-judicial capacity. If this variance has not been brought before the Doral Isles Community Association Board, then you would not have to recuse yourself at the meeting tonight when this variance is presented.

Regarding the second e-mail, you claim that you simply read the subject of the e-mail and nothing else. Even if you had read the entire e-mail, I don't believe you would have to recuse yourself from this matter. You need to state on the record that you received the e-mail (and didn't read it) and it has not biased you in anyway. Once you do this, you have rebutted the presumption of bias and can participate in and vote on this matter.

Please feel free to contact me if you have any questions. I will be in my office until 5:30 and my direct line is (305) 350-0613. After 5:30 p.m., you can reach me on my cell phone at (305) 986-5955.

Thanks,

Robert Meyers

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

**From:** Juan Carlos Bermudez [mailto:jcbermu@attglobal.net]

**Sent:** Thursday, March 20, 2003 4:27 PM

**To:** cprkic@miamidade.gov

**Cc:** Rmeyers@miamidade.gov

**Subject:** FW: Community Council 9 possible conflict of interest opinion

Christina:

Thanks for the quick response. As far as the original scenario is concerned it goes as follows:

I am the President of the Doral Isles Community Association. This is a homeowners association in Doral. When people want to make additions to their property they must get approval from the Doral Isles Community Association Architectural Control Committee. If the appeal is denied they may appeal to the Doral Isles Community Association Board which I (and a fellow community council member) am a part of. This particular applicant is a fellow member (homeowner) of the Doral Isles Community Association.

My question is: Does my Doral Isles Community role preclude me from hearing this persons application in front of the Community Council?

Thanks.

Juan Carlos Bermudez

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

**From:** Prkic, Christina (COE) [mailto:cprkic@miamidade.gov]

3/20/03

**Sent:** Thursday, March 20, 2003 4:17 PM  
**To:** 'Juan Carlos Bermudez'  
**Subject:** RE: Community Council 9 possible conflict of interest opinion

Hi Juan:

I reviewed this matter, as well as the subsequent e-mail regarding the zoning change with our Executive Director. The e-mail below is a bit unclear. Could you clarify the facts a bit further? Are you using 'architectural change' and 'variance' interchangeably? What is the process you mention?

Due to the late receipt of this request, we may not be able to respond to you unless you forward this information to Robert Meyers by 5:00 pm today. His e-mail is [Rmeyers@miamidade.gov](mailto:Rmeyers@miamidade.gov).

In the future, he is the appropriate person to handle these requests. Therefore, please forward future inquiries to his attention. Thank you.

Best regards,  
Christina

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

**From:** Juan Carlos Bermudez [mailto:[jcbermu@attglobal.net](mailto:jcbermu@attglobal.net)]  
**Sent:** Thursday, March 20, 2003 3:20 PM  
**To:** Prkic, Christina (COE)  
**Subject:** Community Council 9 possible conflict of interest opinion

Dear Ms. Prkic,

I apologize for this late e-mail requesting an opinion. I have a question concerning today's hearing.

The first scenario is as follows: I am the president of the Doral Isles Community Association. A fellow member of the community council is on the board of the Doral Isles Community Association. She is the secretary. One of the applicants this evening who is asking for a variance lives within our community. There is a process within our community to ask for architectural changes. If the architectural changes are denied the appeal goes to the Community Association board which both of us are a part of.

Is there a conflict? Do we need to recuse ourselves?

I will forward my other question in another e-mail.

Thank You,

Juan Carlos Bermudez