



FNO
04-117

September 29, 2004

Alicio Pina
Royal Group Investments, Inc.
15500 New Barn Road, Suite 104
Miami Lakes, FL 33014

ETHICS COMMISSIONERS

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mr. Pina:


I am in receipt of your fax dated September 24, 2004 and I have had the opportunity to discuss this matter with my legal staff. As I understand it, you are a member of the County Planning Advisory Board and you have currently retained legal counsel to represent you with respect to a zoning application which will be presented to one of the County's Community Council. Furthermore, you state that some of the applicants before your board are represented by the same law firm that you have retained for your zoning applications.

The applicable section of the County Conflict of Interest and Code of Ethics Ordinance is 2-11.1(v), which addresses members of county boards and possible voting conflicts. In order for a voting conflict to exist, the board member must be directly affected by the action of the board on which the member serves, and the board member must have a special relationship (enumerated in the ordinance) with any person or entity appearing before the board. I will assume for the sake of discussion that you do have a special relationship with the law firm that is appearing before your board because you have retained the same firm to represent your interests. However, I am of the opinion that you will not be directly affected by the action the Planning Advisory Board takes concerning the applicants who are represented by the law firm that represents you in separate legal matters.

Due to the fact that there is no direct benefit to you as a member of the Planning Advisory Board, then you are permitted to participate in the discussions and vote on items involving applications presented to your board by the law firm that you have retained. Despite the conclusion that no legal conflict exists under the County Code of Ethics, I will caution you that the situation that you describe could create an appearance of a conflict, as some might take the position that you would be unlikely to vote against an application that is brought to your board by the very same firm that is currently working for you.

If you have any questions or wish to discuss this matter with me, please do not hesitate to contact me at your convenience.

Sincerely,


Robert Meyers

ROYAL GROUP INVESTMENTS, INC.

15500 NEW BARN ROAD, SUITE 104

MIAMI LAKES, FL 33014

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To : Christopher Mazzela

FROM: ALICIO PINA

Company :

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TO CONTACT
ROBERT MEYERS*

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*SEND TO
ETHICS*

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Real Estate
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September 24, 2004

Christopher Mazzella
19 West Flagler Street
Suite 220
Miami, Florida 33130

Re: Master Plan Amendment

Dear Mr. Mazzella,

I am in the planning advisory board. We have some master plan amendment coming before the board on October 4. One of the lawyers representing some of the applicants is the law firm of Greenberg Traurig. Simon Ferro is a lawyer from the firm who has represented me in some zoning applications and is currently representing me in one more zoning application before a Zoning Community Council. I have paid the firm in every instance their respective legal fees including the current pending application. The question that I have is whether your office sees any apparent conflict in me listening and voting on their applications.

Please could you advise before October 4, 2004. I am sorry for the short notice but I just became aware as I prepared and read the package submitted by the department.

Thanks you,



Alicio Pina