



JNG 04-20

Wilbur "Short Stop" Bell
Vice -Chair Councilman
Metro-Dade Community Council 14
Subarea 143

17452 S.W. 104 Avenue • Perrine, Florida 33157
Tel: (305) 232-9755 • Home: (305) 252-2355 • Bpr: (305) 840-3867 • Fax: (305) 256-2785

February 4, 2004

Mr. Robert Myers
Executive Director
Miami-Dade County
Commission on Ethics
and Public Trust
19 West Flager ST., Ste. 220
Miami, Florida 33130

Re: Proposed Employment of Akerman Senterfitt

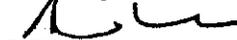
Dear Mr. Myers:

Please accept this letter as my request for an opinion on the following situation. As you may be aware, I currently serve as the chairperson of the Community Zoning Appeals Board for Area 14 ("CZAB 14"). In addition I have owned and operated a small convenience store at the corner of SW 104 Avenue and SW 174th Terrace for 34 years. I am contemplating certain improvements to the store which will require the filing and processing of a zoning application. The application will eventually be heard by CZAB14. Obviously, I will not participate in the CZAB's review of the application. However, I need to retain zoning counsel to prepare, file and process the application.

I have approached Mr. Juan Mayol of Akerman Senterfitt to handle this matter on my behalf, Mr. Mayol frequently appears before the CZAB 14 on behalf of his clients. Mr. Mayol has agreed to represent me in exchange for his usual hourly fee and pursuant to a formal fee retainer agreement, subject to the receipt of an opinion from you that (1) I would not be barred by the Code of Miami-Dade County, State law or other regulations from retaining his services; and (2) that Mr Mayol can continue to represent other clients before CZAB 14 during and after his involvement with my application.

I would appreciate your prompt attention to my request. In the meantime, please do not hesitate to call me at (305)232-9755 if you require additional information. Juan Mayol can be reached at (305)755-5807.

Sincerely,



Wilbur Bell

CC: Juan J. Mayol, Jr., Esq.



February 23, 2004

Wilbur Bell, Vice Chair
Community Council 14
17452 S.W. 104 Avenue
Perrine, Florida 33157

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Councilman Bell,

I am in receipt of your letter dated February 4, 2004 and I have had an opportunity to discuss your questions with our staff legal counsel. The relevant facts are that you are the owner/operator of a small convenience store and you are contemplating certain improvements to the store, requiring the filing and processing of a zoning application before the community council on which you sit. Furthermore, you indicate that you will be retaining zoning counsel to assist you with the process. Finally, the attorney, whom you have hired to represent you, frequently appears before CZAB 14. You ask whether the law precludes you from retaining the services of Juan Mayol, Esq. and whether Mr. Mayol can continue representing other clients before CZAB 14 during and after his involvement with your application.

With respect to your first question, our office has the authority to interpret the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and cannot give an opinion as to whether contemplated conduct is consistent with state law and any other state/county regulation outside of our jurisdiction. Having said that, there is nothing in the County Code of Ethics Ordinance that would create a bar to the hiring of Mr. Mayor as your legal counsel for purposes of the abovementioned zoning matter. Secondly, Mr. Mayor may continue to represent other clients during and after his involvement with your application. Once your relationship has ended, you are entitled to participate in and vote on any matters that Mr. Mayol brings before your CZAB. However, during the period of time in which he is on retainer for your zoning item, you are required to absent yourself from any issue where Mr. Mayol or his law firm appears in front of your CZAB.

If you have any questions concerning this opinion, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers