

**Meyers, Robert (COE)**

INQ 04-37

**To:** Logue, Thomas (CA)  
**Subject:** RE: Request for Conflict Opinion

Tom,

As promised, I am providing you with an opinion based on your letter to me dated April 14, 2004. The relevant facts are that you are a resident of Coral Gables and have been asked to serve as a member of the City's Charter Review Committee. At the same time, in your capacity as an Assistant County Attorney, you are representing the Property Appraiser of Miami-Dade County in a lawsuit against the City of Coral Gables. You wish to know whether a conflict of interest exists if you sit of the Charter Review Committee and continue to represent the Property Appraiser of Miami-Dade County in the lawsuit against Coral Gables. Additionally, you ask whether transferring the case to another attorney will cure the conflict.

I conferred with Ardyth Walker with respect to the above. The most relevant section of the County Code of Ethics Ordinance appears to be 2-11.1(m)(2), as it covers situations involving Board members who appear before their boards. A person (board member) is barred from appearing in any court as counsel or legal advisor to a third party who seeks legal relief from the board on which such person serves. In your case, the County is not seeking relief from the the Charter Review Committee. Therefore, I conclude that you would not be in violation of the County Conflict of Interest and Code of Ethics Ordinance if you serve on the City's Charter Review Committee and simultaneously represent the County in a legal action against the City of Coral Gables.

If you wish to discuss this opinion with me, feel free to contact me at your convenience.

Robert

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

**From:** Logue, Thomas (CA)  
**Sent:** Tuesday, May 04, 2004 4:59 PM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Request for Conflict Opinion

Robert

You are true and good and you deserve your vacations. At same time, it would be convenient for me if I had your advice by the meeting as you can rest assured that I will be guided by it, whatever you decide

Thanks

Tom

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

**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, May 04, 2004 4:55 PM  
**To:** Logue, Thomas (CA)  
**Subject:** FW: Request for Conflict Opinion

Tom,

I take responsibility. I had my secretary log it in and I planned on providing you with an answer before going on vacation. Now that I am back from vacation, I will address your question and respond by the end of the day tomorrow.

Thanks,

Robert

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

**From:** Walker, Ardyth (COE)  
**Sent:** Tuesday, May 04, 2004 3:58 PM  
**To:** Meyers, Robert (COE); Prkic, Christina (COE)

**Subject:** FW: Request for Conflict Opinion

Did either of you handle this? It appears on the inquiry list. Thanks.

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

**From:** Logue, Thomas (CA)  
**Sent:** Thursday, April 29, 2004 1:18 PM  
**To:** Walker, Ardyth (COE)  
**Subject:** Request for Conflict Opinion

Ardyth

A week or two ago, I asked for a written conflict letter, following up on a conversation that we had in which you indicated that I had no conflict. I would like the opinion in writing in case things get controversial.

The Coral Gables Charter Review Committee is meeting May 10th. Can I get opinion by then?

thanks

Tom

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JNG 04-37

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April 14, 2004

Robert Meyers, Esq.  
Ardyth Walker, Esq.  
Commission on Ethics  
Suite 207  
19 W. Flagler Street  
Miami, Florida 33130

Dear Mr. Meyers and Ms. Walker:

I am writing to request your opinion regarding whether I may have a conflict of interest.

I am a resident of Coral Gables. The City Attorney for the City of Coral Gables has asked me to serve as a member of the City's Charter Review Committee. As I understand it, the Committee will review the City's Charter and make recommendations to the City Commission of possible changes to the City Charter to be placed on the ballot for a referendum. Because I have practiced in the area of local government for twenty years and because I teach Florida Constitutional law at the University of Miami Law School, I believe I can make a positive contribution to the work of the Committee.

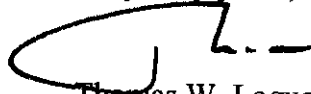
At the same time, as an Assistant County Attorney, I represent Joel W. Robbins, the Property Appraiser of Miami-Dade County. In this capacity, I currently represent Robbins in entitled *Robbins v. City of Coral Gables*, Case No. 03-25508. This lawsuit involves the value of certain land owned by Coral Gables on which the Merrick Park Regional Shopping Center is located. Coral Gables leases the land under long term lease to Merrick Center LLC, a subsidiary of the Rouse Corporation, which built and operates the Shopping Center and is responsible pursuant to contract to pay the taxes. Merrick Center LLC has joined the suit as a defendant has undertaken the defense of the lawsuit.

Robert Meyers, Esq.  
Ardyth Walker, Esq.  
April 14, 2004  
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In these circumstances, do I have a conflict of interest by serving on the City's Charter Review Committee at the same time I am an attorney for the property appraiser in the above-mentioned lawsuit? If I do, can I eliminate the conflict by transferring the case to another attorney in my office? I would prefer not to have to transfer the case if I can avoid it, because I do not want to burden another attorney in this regard.

Thanks for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Logue', written over a horizontal line.

Thomas W. Logue  
Assistant County Attorney

TWL:mmm