

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Friday, April 16, 2004 12:14 PM
To: 'ldanheisser@sibfl.net'
Subject: Request for Opinion

INQ 04-38

Lynn,

On Monday, April 12, 2004, you presented me with a letter from Raanan Katz, who inquired about a possible conflict of interest involving Commissioner Gerry Goodman and RK Associates. We spoke briefly about the matter on Tuesday, and I advised you at that time that our office believes Commissioner Goodman does not have any prohibited conflicts of interest under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance that would bar him from participating in or voting on matters pertaining to RK Associates. Briefly, the facts that give rise to this opinion are as follows: Commissioner Goodman filed an insurance claim against a shopping center owned by RK Associates. According to Mr. Katz' letter, this matter was settled by his insurance carrier last month. Simultaneously, RK Associates has been involved in on-going litigation with the city of Sunny Isles Beach for the past two years. Mr. Katz insists in his letter that Commissioner Goodman should have disclosed the fact he had a claim against RK Associates every time a matter involving RK Associates was discussed by the City Commission. Moreover, Mr. Katz states in his letter that Commissioner Goodman was required by law to refrain from participating in discussions or voting on an items pertaining to RK Associates.

It is not clear to me from the letter whether Mr. Katz believes that the conflict continues to exist or was extinguished once the Commissioner's insurance claim was settled. In either event, a voting conflict could be triggered only if an elected official has an enumerated relationship with a party or if the elected official stood to directly or indirectly profit or be enhanced by the action of the Commission. In the instant case, Commissioner Goodman does not have a special relationship with RK Associates (as defined in the County Code), nor did he uniquely benefit from any decision the City Commission made with respect to RK Associates. Therefore, as stated above, there is no conflict under County law. Finally, Commissioner Goodman has no obligation under County law to disclose the fact that he filed, and ultimately, settled a claim against a shopping center owned by RK Associates.

Please feel free to contact me if you have any further questions.

Robert Meyers



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w/ friday*

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April 12, 2003

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RE: RK Associates-Commissioner Gerry Goodman

Dear Chris and Lynn;

Enclosed you will find copies of correspondence exchanged between our office and our insurance carriers during the past two years. These letters pertain to an insurance claim filed by Commissioner Gerry Goodman against Our shopping center. We had sent prior correspondence to the attorney representing Mr. Goodman and to the carrier with regards to our position on this incident. We had assumed that this matter was rescinded by Commissioner Goodman.

However, we found out today that the matter was settled by our insurance carrier just last month. We feel that since there has been on-going litigation between the parties during the past two years, it should have been disclosed at each and every meeting by Commissioner Goodman. In all matters pertaining to RK Associates, he should not have been permitted to vote or participate in discussions, since there was an obvious conflict of interest.

We are placing you on formal notice of this matter and anticipate your response by the close of business on Wednesday April 14, 2004. Considering the magnitude of the litigation, we feel that this violation may be a matter for the State Attorneys office to investigate further.

Sincerely
RK Associates,

Raanan Katz

Cc: Brad Gould Esq.
Barry T. Shevlin Esq.