

Meyers, Robert (COE)

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INQ 04-69

To: McGriff, Bernard (GSA)

Subject: RE: Media inquiry

Bernie,

After reviewing the facts that you provided me, our office has no authority to issue an opinion on this subject. The purpose behind the opinion process is for the Ethics Commission to evaluate whether contemplated conduct may be in violation of the County Conflict of Interest and Code of Ethics Ordinance. As a general matter of policy, we do not give opinions involving past conduct. Therefore, because the conduct at the basis of your inquiry has already taken place, our office respectfully declines to issue an opinion.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert Meyers

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

From: McGriff, Bernard (GSA)

Sent: Tuesday, June 29, 2004 5:37 PM

To: Meyers, Robert (COE)

Cc: Brody, Corinne L. (CMO)

Subject: Media inquiry

Bob:

The Communications Department has received a request from Jilda Unruh of Channel 10 for an on-camera interview regarding construction of a facility at the Martin L. King Jr. Transit Station. I am requesting a legal opinion regarding an alleged potential conflict of interest associated with various entities involved with development of the facility.

BACKGROUND

The facility is being developed by a not-for-profit corporation, the BAC Funding Corporation (BAC). The Board of County Commissioners (BCC), at its meeting of December 15, 1998, accepted an outline of fundamental business terms negotiated between the County and BAC for the development and installment sale of the office building and renovations of the existing parking garage at the MLK Metrorail Station site. Subsequently, the BCC on July 13, 1999 approved in substantial form three agreements between the County and BAC including : 1) a Ground Lease Agreement (R-828-99); a Development Contract for Renovation of the Existing Parking Garage and Construction of an Office Building at the MLK Metrorail site (R-829-99; and, 3) the Lease/Purchase Agreement (R-830-99).

The basis of the alleged potential conflict of interest is that the Chairman and Chief Executive Officer of the BAC Funding Corporation, Ronald E. Frazier, is also President of Ronald E. Frazier & Associates, P.A., which are the Consultant Architect and Architect of Record for the MLK Office Building and Transit Development Projects.

The Lease/Purchase Agreement provides for the County to lease the office building through installment payments toward the purchase and use of the building, and to pay actual operating costs to the BAC Corporation.

Please review and provide me with a legal opinion as to whether the corporate structure of the agreements constitutes a conflict of interest regarding Ronald E. Frazier and Associates and the BAC Funding Corporation pertaining to development of the MLK Office Building and renovations of the MLK Parking Garage.

I am available to assist you should you need additional information. Thanks in advance for your cooperation.