



January 16, 2003

Neil M. Leff
48 Terracina Avenue
Golden Beach, FL 33160-2252

ETHICS COMMISSIONERS

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mr. Leff:

I have had an opportunity to review the materials dated January 9, 2003 that you mailed to my office. After reviewing the tape and reading your summary, I do not find that the actions taken by the Code Enforcement Board on January 7, 2003 to be a violation of the Miami-Dade County Citizens' Bill of Rights.

Based on what you provided me, I understand that you were cited for a code violation and you requested a hearing. A hearing was granted and the Board found the citation was properly issued and grounds existed for a fine to be imposed. Subsequent to this determination, you exercised your rights and appealed the Board's decision to the Circuit Court in Miami-Dade County. Furthermore, you requested the Code Enforcement Board to reconsider its decision. Your motion for reconsideration was addressed at the Code Enforcement Board meeting January 7, 2003.

It is accurate that you were denied the right to participate in and speak at January 7th meeting, but I do not find this unreasonable under the circumstances. The purpose of this meeting was to determine whether there was any legal basis to re-hear or re-open your case. The Board concluded that such reconsideration was not warranted. When hearing your appeal the Code Enforcement Board is acting akin to an appellate Court, which can, in its discretion, refuse to hear additional testimony from the appellant. The critical fact is that you were given an opportunity to present your side of case at your initial appearance in front of the Code Enforcement Board, and you do not have an absolute right to be heard by the same board concerning the same matter.

As far as the other allegations of continuing violations of the Citizens' Bill of Rights by Golden Beach mentioned in your letter, I am willing to make a presentation to the Town about the ethics opinion we issued and explain in greater detail the important provisions of the Citizens' Bill of Rights. In order for me to appear, however, I need a formal invitation from the Town. If I receive such a request from the Mayor, Manager or Council, I would be more than happy to speak on this subject.

If you wish to discuss the above or have any additional questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers
Executive Director