



October 24, 2002

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STAFF GENERAL COUNSEL

Fred Balsera
Lukis-Balsera, L.L.C.
3663 S.W. 8th ST, Suite 204-B
Miami, FL 33135

RE: REQUEST FOR ADVISORY OPINION 02-135

Dear Mr. Balsera:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 23, 2002 and rendered its opinion based on the facts stated in your request.

As the public affairs consultant for Quik Park, Inc., you requested an opinion regarding the City Manager's role and conduct in the City of Miami Beach's solicitation process as it relates to Anchor Garage. Specifically, you requested that the Manager be removed from the process.

The Ethics Commission found that under both our Enabling Ordinance and under the Conflict of Interest and Code of Ethics Ordinance individuals do not have standing to seek an opinion about the conduct of third parties. Since, you were the requester seeking an opinion about the conduct of the City Manager, the Commission did not render an opinion in this matter. Questions or allegations of ethical improprieties as to third party conduct can be more appropriately addressed through our enforcement authority, not through our advice-giving authority.

If you have any questions regarding this opinion, please call Christina Prkic or the undersigned at (305) 579-2594.

Sincerely Yours,

ROBERT MEYERS
Executive Director