



April 18, 2002

**ETHICS COMMISSIONERS**

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Commissioner Jimmy Morales  
Board of County Commissioners  
District Seven  
111 N.W. First Avenue  
Suite 220  
Miami, FL 33128

**RE: REQUEST FOR ADVISORY OPINION 02-36**

Dear Commissioner Morales:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 17, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding limitations on your voting and participation in matters when a client of your law firm appears before the Board of County Commissioners.

In your letter, you advised the Commission that you are a partner in the law firm of Stearns Weaver. On occasion, a client of the firm will appear before the County Commission.

The Commission found that The Conflict of Interest and Code of Ethics ordinance prohibits you from participating in any way and voting on any matter related to a client of your law firm, Section 2-11.1(d) of the Code of Miami-Dade County prohibits county commissioners from voting or participating in any way in any matter presented to the Board of County Commissioner if said person has any of the following relationships with any of the persons or entities which would be or

might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee fiduciary or beneficiary or (ii) stockholder, bondholder, debtor or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any commissioner who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during discussion of the subject item and shall not vote on or participate in any way in said matter.

As a partner in the law firm, every client of the firm is considered your client. Since you would be "of counsel" to the person or entity represented by your law firm, you would be prohibited from voting on or participating in any way in any matter involving a client of your firm.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS  
Executive Director