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August 8, 2003

John W. Thornton, Jr.
Thornton & Rothman, P.A.
200 South Biscayne Blvd., Suite 2690
Miami, FL 33131

RE: REQUEST FOR OPINION 03-126

Dear Mr. Thornton:

You requested an opinion regarding a potential voting conflict related to your service on the Independent Review Panel ["IRP"].

According to the facts stated in your letter, the IRP is currently reviewing a case concerning a Miami-Dade Police Officer, who is an acquaintance of yours and the son of a long time family friend. The focus of the review pertains to the Officer's behavior as it relates to the department's process and procedure when its internal Disposition Panel outcome is questioned.

The Conflict of Interest and Code of Ethics Ordinance permits you to vote on this matter. 2-11.1 (v) "Voting Conflicts: Members of Advisory and Quasi-Judicial Boards," provides,

No person included in the terms defined in subsections (b) (3) (quasi-judicial personnel) and (b) (4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

The facts presented in your letter do not suggest that this matter will directly affect you and you do not have any of the above-mentioned relationships; therefore, there is

no legal conflict which prohibits you from voting on this matter. Nonetheless, in order to avoid the appearance of any impropriety, you should disclose the nature of your relationship with the police officer and his family.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", written in black ink.

ROBERT MEYERS
Executive Director

Cc: Dr. Eduardo Diaz, IRP