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STAFF GENERAL COUNSEL

February 28, 2003

Al Townsel  
AL Townsel, Inc.  
1175 Northeast 125 ST, Suite 418  
Miami, FL 33161

**RE: REQUEST FOR ADVISORY OPINION 03-28**

Dear Mr. Townsel:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 27, 2003 and rendered its opinion based on the facts stated in your request.

As owner of AL Townsel, Inc., a private, for-profit real estate development company, you requested an advisory opinion pertaining to any restrictions and possible conflicts related to your potential employment as Assistant Director in the Department of Community Development, with the City of Miami. You advised the Ethics Commission that you have been offered the position of Assistant Director with the City of Miami's Department of Community Development. As Assistant Director, your principal responsibilities will include the management, oversight and administration of housing and economic development projects within the City of Miami.

Your company, AL Townsel, Inc. is a minority owner (49% interest) and development partner in two affordable housing ventures which have an allocation of City of Miami funding and are administered through the City's Department of Community Development. These development projects are near commencement and the funding and contracting process occurred before the offer of employment with the City. In addition to the development projects, AL Townsel, Inc. works as a housing consultant to various entities whose projects have

an allocation of City of Miami funding. The company also has business opportunities and projects within Miami-Dade County and other jurisdictions outside the City of Miami

The Commission found that the Conflict of Interest and Code of Ethics Ordinance prohibits you from serving as Assistant Director in the Department of Community Development, while continuing your private, for-profit business activities. Section 2-11.1(j) "Conflicting employment prohibited" provides that,

"No person included in the terms defined in subsections (b)(1) through (b)(6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties."

As stated in your letter, AL Townsel, Inc. participates and invests in housing development projects which receive City of Miami funding and which are administered through the very department in which you would serve as Assistant Director. Moreover, the company serves as a consultant to various entities which are also subject to monitoring and oversight by the department, due to their receipt of City of Miami funding. Since the department is responsible for all the housing and economic development within the City of Miami, you would be potentially responsible for overseeing the projects of your competitors. In view of this high-level position within the department, it would be difficult to limit your oversight and administrative role with regard to these projects in which you have financial interest.

However you would not be barred from accepting the position of Assistant Director if you, (1) limited your business activities and consulting services to jurisdictions other than the City of Miami, or (2) acquired development and consulting projects in the City of Miami which did not involve City of Miami funding or administration by the Department of Community Development. Assuming you accepted the position under these conditions, Section 2-11.1 (q) of the Conflict of Interest Ordinance would prohibit you from lobbying any City of Miami official, agency or personnel on issues related to the company's or client's affordable housing projects for a period of two years after your city employment ceased.

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.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director