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STAFF GENERAL COUNSEL

April 27, 2005

Robert L. Switkes, Esq.  
Rosen & Switkes, P.L.  
City Attorneys, City of North Bay Village  
407 Lincoln Road, Penthouse S.E.  
Miami Beach, FL 33139

**RE: REQUEST FOR ADVISORY OPINION 05-30**

Dear Mr. Switkes:

As City Attorney for the City North Bay Village, you requested an opinion on behalf of Mayor Joseph S. Geller, regarding any potential conflicts of interest under the Code of Ethics Ordinance as they relate to his past representation of Clear Channel Communications. The specific issue is whether he may vote on proposed ordinances restricting the height of buildings to which Clear Channel has an interest.

In your letter to the Ethics Commission, you stated that Mayor Geller briefly represented Clear Channel Communications last year. The scope of representation involved advising Clear Channel as to the legality, pursuant to the Village Charter, of the North Bay Village Commission rendering substantive land use decisions for multifamily residential development projects located on Harbor Island in light of the composition of the Commission and the manner in which the Commissioners hold office. In addition, he advised Clear Channel on the interpretation of the Village and County Charter with regard to citizen initiatives and the referendum process.

In August of 2004, Mayor Geller resigned from representation of the said corporation. Presently, Mayor Geller does not represent or provide any legal services to Clear Channel, nor does he have a financial interest in Clear Channel. The bill for services for the past representation was \$1,890.00. It was paid on March 21, 2005.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance 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 line extending to the right.

**ROBERT MEYERS**  
Executive Director