

Meyers, Robert (COE)

INQ 07-07

From: Meyers, Robert (COE)
Sent: Wednesday, January 17, 2007 1:43 PM
To: 'Bill Riley'
Subject: RE: Request for Advisory Opinion

Mr. Riley,

I reviewed your request for opinion and I understand the critical facts to be as follows: You have been recently appointed to the county's Planning Advisory Board and your son is an attorney with a law firm that regularly appears before the PAB on land use and zoning matters. You do not state whether your son personally appears, but it would not change my opinion. Finally, you indicate you do not stand to benefit from the law firm appearance or your son's appearance as a member of the law firm.

The applicable section of the County Code is 2-11.1(v) and it establishes a voting conflict when the board member is directly affected and has one of the enumerated relationships with a party or entity appearing before the board. Based on the facts described above, a voting conflict would not be created if you participate in and vote on matters that your son presents to the PAB or his law firm presents to the PAB. You are not directly affected by the vote nor do you have one of the enumerated relationships described in 2-11.1(v).

If you wish to discuss, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

From: Bill Riley [mailto:bill_riley@ibew349.org]
Sent: Friday, January 12, 2007 2:39 PM
To: Meyers, Robert (COE)
Subject: FW: Request for Advisory Opinion

From: Bill Riley
Sent: Tuesday, December 19, 2006 3:49 PM
To: RMEYERS@miamidade
Subject: Request for Advisory Opinion

1/17/2007

November 16, 2006

Robert Myers, Executive Director
The Commission on Ethics and Public Trust
19 West Flagler, Suite 209
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION

Dear Mr. Myers:

Please accept this letter as a request for an advisory opinion on voting conflicts pursuant to the Miami-Dade Conflict of Interest and Code of Ethics ordinance.

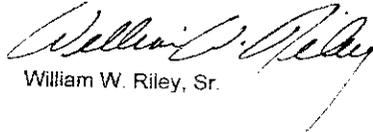
I am a recently appointed member of the Miami-Dade County Planning Advisory Board (PAB). My son, William W. Riley, Jr., is a lawyer with the law firm Bilzin, Sumberg, Baena, Price and Axelrod LLP (Bilzin Sumberg). Bilzin Sumberg regularly appears before the PAB on land use and zoning matters.

Section 2-11.1(d) of the Code of Miami-Dade County appears to prohibit advisory board members from voting or participating in any matter presented if said person has any of the following relationships with the persons or entities that would be or might be directly or indirectly affected by an action of the PAB: (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 advisory board member who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the PAB shall presumably absent himself or herself from the board meeting during discussion of the subject item and shall not vote on or participate in any way in said matter.

I do not have any of the enumerated relationships with my son's law firm and would not personally benefit or be uniquely affected by making decisions on matters where the law firm makes an appearance. Thus, would it be permissible to vote on matters presented to the PAB where Bilzin Sumberg and/or my son appear as a representative.

If you have any questions regarding the foregoing or if I can provide you with any additional information, please do not hesitate to contact me at (305) 325-1331.

Sincerely yours,


William W. Riley, Sr.