

Meyers, Robert (COE)

JNQ 07-108

From: Meyers, Robert (COE)
Sent: Wednesday, July 11, 2007 9:36 AM
To: 'john.hogan@hklaw.com'
Subject: RE: Charter Review Task Force

Mr. Hogan,

Thank you for your request for opinion. The relevant facts are that you been appointed to the Miami-Dade Charter Review Task Force and you are an attorney with Holland & Knight, a law firm which represents clients in front of Miami-Dade County boards. You are essentially asking two questions: 1) whether a general conflict of interest is created for you or your firm if you agree to sit on the Task Force and 2) a more specific concern about whether a conflict would be created if Holland and Knight appeared before the Task Force.

In examining 2-11.1(v) of the County Code, a voting conflict is created for an advisory board member if the board member will be directly affected by the action of the board on which the member serves, and the board member has a special relationship (enumerated in the ordinance) with any persons or entities appearing before the board. Given the mission and authority of the Charter Review Task Force, it would be difficult, but not impossible, for me to conceive of a situation whereby you and your firm would be directly affected by an action or recommendation of the Task Force. Therefore, as a general proposition, no conflict of interest exists that prevents you from sitting on this board.

With respect to an appearance by Holland and Knight in front of the Task Force, I would reach the same conclusion. The possibility that an attorney with Holland and Knight may appear before the Task Force does not automatically require you to absent yourself from the proceedings. If the firm's appearance is to offer general comments to the Task Force, I see no reason why you should have to recuse yourself from the discussion, as it is highly unlikely that you would be directly affected by that appearance or the actions of the Task Force that follow the firm's presentation.

There is, however, another section of the ethics code that I ought to bring to your attention – 2-11.1(m)(2) which holds that a board member cannot appear before his/her own board directly or indirectly. An indirect appearance includes a presentation by your law firm in front of your board if the presentation is on behalf of a third party and you stand to receive compensation directly or indirectly for the services your firm rendered to the third party. If Holland and Knight were to represent a third party before the Task Force, I believe a recusal would be warranted, but only with respect to that single presentation.

I hope I have answered your questions. If you seek further clarification, 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: john.hogan@hklaw.com [mailto:john.hogan@hklaw.com]
Sent: Tuesday, July 10, 2007 4:43 PM
To: Meyers, Robert (COE)
Cc: betty.brito@hklaw.com
Subject: Charter Review Task Force

Mr. Meyers:

7/11/2007

Thank you for taking the time to speak to me today. As I mentioned, my firm needs a written explanation of the conflict implications of my serving as a member of the Charter Review Task Force. Specifically, my firm would like your opinion as to "the effect of my appointment upon Holland & Knight's representation before the Task Force, as well as before other government boards within Miami-Dade County, including a statement as to whether I, once appointed, may recuse myself and thereby cure any present or future conflict of interests." An email would be fine. Although it would seem unlikely that anyone from my firm (or any other firm, for that matter) would represent someone before the Task Force, I wanted to share with you what Holland & Knight's internal procedures require.

Thank you for your time. If you have any other questions, please let me know.

John

From: Brito, Josefa M (MIA - X27421)
Sent: Tuesday, July 10, 2007 4:10 PM
To: 'rmeyers@miamidade.gov'
Cc: Hogan, John M (MIA - X27693)
Subject: John Hogan's Contact Information

Mr. Meyers,

Below please find Mr. Hogan's contact information. Thanks, Betty

John M. Hogan
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Fl 33131
Tel.: 305-789-7693
Fax.: 305-789-7799
john.hogan@hklaw.com