

August 20, 2007

Robert Kaplan, City of Miami Beach Planning Board
c/o Olympian Capital Group
2 South Biscayne Blvd., Suite 3800
Miami, FL 33131

Via **First Class Mail** and **Fax at (305) 503-1108**

Re: INQ 07-136

Dear Mr. Kaplan:

In your letter dated August 15, 2007, you requested an opinion as a member of the City of Miami Beach Planning Board about possible voting conflicts for you regarding property owned by Mount Sinai Medical Center.

You stated that, until the end of 2006, you were a senior manager with Holliday Fenoglio Fowler (HFF), a commercial real estate capital and marketing firm that has been retained by Mount Sinai Medical Center to examine capital and marketing options for the Medical Center's Heart Institute property. Neither you nor your company, Olympian Capital Group, will have any financial gain or loss from HFF's engagement by Mount Sinai, based on your past employment or future arrangements.

Additionally, as a contributor to the Mount Sinai Medical Center, you are a member of the Mount Sinai Founder's Club. Founder's Club members make no decisions on behalf of the Mount Sinai Medical Center and do not receive any financial gain or loss as a result of actions taken by Mount Sinai Medical Center.

Based on these facts, you have no voting conflicts regarding the Mount Sinai Heart Institute property.

- Under § 2-11.1 (v) ***Voting conflicts***—you will not be directly affected by any action of the Planning Board in regard to the Medical Center, and you do not have a prohibited relationship with the Medical Center. Prohibited relationships include officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor, or creditor.
- Under § 2-11.1 (n) ***Actions prohibited when financial interests involved***—neither the Olympian Capital Group nor you individually are currently invested in the property owned by the Mount Sinai Medical Center.
- Under § 2-11.1 (o) ***Acquiring financial interest***—you and/or Olympian Capital Group do not plan to acquire financial interests in the property owned by Mount Sinai Medical Center.

Please be advised, however, that Section 2-11.1 (m)(2) of the County Code prohibits your business associates at Olympian Capital Group from appearing before the Planning Board on this or any matter.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Feel free to contact Victoria Frigo, Staff Attorney, at (305) 350-0601, or Robert Meyers at (305) 579-2594, if we can be of further assistance.

Sincerely yours,

ROBERT MEYERS
Executive Director

Copies via **First Class Mail** and **Fax at (305) 673-7002**

Jose Smith, City Attorney
Jean Olin, Deputy City Attorney
Gary M. Held, First Assistant City Attorney
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