

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Tuesday, March 06, 2007 3:22 PM
To: 'Jmendiaforkb@aol.com'
Subject: FW: INQ 07-35 Mendia (Key Biscayne)

Dear Dr. Mendia,

Listed below is the opinion the staff attorney for the Miami-Dade Commission on Ethics prepared in connection with your request for opinion. I agree with her analysis of the issues.

If you wish to discuss the opinion with me, 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: Frigo, Victoria (COE)
Sent: Tuesday, March 06, 2007 9:56 AM
To: Meyers, Robert (COE)
Subject: INQ 07-35 Mendia (Key Biscayne)

Section 2-11.1 (d) of the Code has been applied

TO: Robert Meyers, Executive Director
FROM: Victoria Frigo, Staff Attorney
DATE: Mar. 6, 2007
RE: INQ 07-35, Jorge E. Mendia, M.D.

Dr. Mendia asks if he will have a voting conflict if SBR-Fortune, LLP, seeks a zoning application from the Village of Key Biscayne. Dr. Mendia is an elected council member and vice-mayor of the Key Biscayne Village Council and also sometimes serves as a voting member of the zoning board. An analysis of Section 2-11.1 (d) of the Ethics Code indicates that Dr. Mendia does not have a voting conflict.

The sole relationship between Dr. Mendia and two partners of SBR-Fortune (Edgardo Defortuna and Steve Sonnabend) is that they all serve on the board of a nonprofit organization—the Key Biscayne Community Foundation. Dr. Mendia is president of the board, and Mr. Defortuna and Mr. Sonnabend are two of 15 board members.

The Ethics Code at § 2-11.1 (d) prohibits village council members from voting or participating on matters presented to them if the council member has one of the following relationships with the applicant—officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or stockholder, bondholder, debtor or creditor *or* if the council member might directly or indirectly profit or be enhanced by the action of the council.

Although Dr. Mendia is an officer (*i.e.*, president) of the Key Biscayne Community Foundation on which Mr. Defortuna and Mr. Sonnabend also serve, Dr. Mendia will not directly or indirectly profit or

3/6/2007

be enhanced by voting on a matter presented by SBR-Fortune.

Dr. Mendia has stated that neither he nor his immediate family has any business relationship with SBR-Fortune, its partners, or the current property that is the subject of the zoning application. He states further that neither he nor his immediate family live within an area that would be affected by the zoning application of SBR-Fortune. Dr. Mendia's relationship with the partners of SBR-Fortune appears to be limited to their joint service on the nonprofit Key Biscayne Community Foundation board. Any benefit that would accrue to the Key Biscayne Community Foundation or to Dr. Mendia as president of the board as a result of the SBR-Fortune zoning application is too remote and speculative to trigger a voting conflict for Dr. Mendia.

TO: Robert Meyers, Executive Director
FROM: Victoria Frigo, Staff Attorney
DATE: Mar. 6, 2007
RE: INQ 07-35, Jorge E. Mendia, M.D.

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Although Dr. Mendia is an officer (*i.e.*, president) of the Key Biscayne Community Foundation on which Mr. Defortuna and Mr. Sonnabend also serve, Dr. Mendia will not directly or indirectly profit or be enhanced by voting on a matter presented by SBR-Fortune.

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Jorge E. Mendia, M.D.
111 Island Drive
Key Biscayne, FL 33149
jmendiaforkb@aol.com

INQ 07-35

Robert Meyers
Miami-Dade County
Commission on Ethics and Public Trust
19 West Flagler Street
Suite 820
Miami, FL 33130

Re: Advisory Opinion

Dear Mr. Meyers,

I am an elected Councilmember on the Village of Key Biscayne Council and presently serve as Vice-Mayor of the Village of Key Biscayne. From time to time, as a member of the Village council, I participate in and vote on quasi-judicial zoning applications filed with the Village.

There is presently pending with the Village an application in which a Village property owner, SBR-Fortune, LLP ("Fortune"), has requested site plan approval for the redevelopment of its oceanfront property (the "Property"). I understand from Sylvia Batista, one of your staff investigators, that a Village resident(s) has complained that my participation in and voting on the matter (if and when presented) will somehow constitute a voting conflict in violation of Article I, Section 2.11.1(v) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. It is my understanding from Sylvia that the resident(s) alleges that I am precluded from voting on the matter because two of the principals of Fortune (Edgardo Defortuna and Steve Sonnabend) are members of the Board of Directors of the Key Biscayne Community Foundation (the "Foundation"), on which I serve as Chair of the Board. There are fourteen board members.

While I do not believe that any facts or circumstances exist which would create even the appearance of a voting conflict of interest, in an abundance of caution, I am requesting an advisory opinion from you. In evaluating my request, you should be aware of the following facts:

1. I reside in an entirely different neighborhood from that in which the Property is located and neither I nor my family will in any manner be directly affected by the outcome of any decision on the proposed site plan.
2. Neither I nor any member of my family has any interest, financial or otherwise, in the Property or Fortune.

3. Neither I nor any member of my family is an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary of Fortune, or of any person or entity affiliated with Fortune. Neither I nor any member of my family is a stockholder, bondholder, debtor, or creditor of Fortune or of any person or entity affiliated with Fortune.
4. The Foundation is a not-for-profit organization whose stated mission is to "enhance the quality of life for all members of the Key Biscayne community." It was formed and operates solely to provide financial support to charitable activities within the Key Biscayne community.
5. The Foundation has no relationship with the municipality of the Village of Key Biscayne and I receive no compensation for my service to the Foundation.

I appreciate your consideration of this request and look forward to your favorable determination. If I can provide you with additional information, please contact me. I can be reached by e-mail jmendiaforkb@aol.com and/or cell phone (305) 299-9168.

Very truly yours,

Jorge E. Mendia, M.D.

The Key Biscayne Community Foundation
wishes you all the best for 2007
and thank you
for your generous support

With your help, the Foundation has made \$94,000 in grants and raised more than \$1.3 million to improve the quality of life for all members of the Key Biscayne community since its founding in 2004

One community. One future.

Board of Directors:

Jorge Mendi, M.D., Board Chair
Ana Gloria Rivas-Yazquez, Board Vice Chair
Tere Benach
John Dasburg
Edgardo Defortuna

John Devaney
Amy Easton
H. Joseph Kiene
Donald Lefton
Patricia Molinari

Anne Owens
Anne Rothe
Stacia Smith
Stephen Sonnabend
Silvia Tarafa

For more information please contact:
The Key Biscayne Community Foundation
Anne Rothe, Interim Executive Director
240 Crandon Blvd. Suite 116b
Key Biscayne, FL 33149
305-361-2770
annerothe@keybiscaynefoundation.org



KEY BISCAYNE COMMUNITY FOUNDATION

Key Biscayne Times

The new face of Key Biscayne

January 2007

July-December 2006: Semester in Review



Dictators and populists in the news: Castro steps aside; Chávez wins reelection; Hussein sentenced and executed; Kim Jong-il tests nuclear missile.

INTERNATIONAL FRONT

In 2006, the three-year-old conflict in Darfur escalated, with the Janjaweed—the pro-government Arabic militias—slaughtering black villagers and rebel groups with impunity. More than 200,000 have been killed in Darfur and 2.5 million have become refugees. President al-Bashir categorically refused UN assistance. The killing continued.

Prospects for peace and stability in the Middle East dimmed significantly in 2006. Gaza, which in Aug. 2005 had celebrated Israel's military withdrawal, found itself on the brink of economic collapse and the target of an invasion. Lebanon, fresh from its "cedar revolution" and the ousting of the Syrian army in 2005, emerged from a month-long war with Israel in Aug. 2006 with its fragile government further weakened. In December, after months of fruitless

attempts to form unity government, Hamas and Farah turned on each other until a cease-fire was called by President Mahmoud Abbas (Fatah) and PM Ismail Haniya (Hamas).

In Jan. 2006, Iran removed UN seals on uranium enrichment equipment and in April announced it had successfully enriched uranium. Iran's firebrand president, Mahmoud Ahmadinejad, has exulted in his refusal to curb Iran's nuclear program.

The Taliban continued its resurgence in Afghanistan, making 2006 the deadliest year of fighting since the 2001 war. Throughout the spring, Taliban militants infiltrated southern Afghanistan.

The Afghan-Pakistani border, a remote and lawless tribal region where Osama bin Laden and Taliban leader Mullah Mohammed Omar are suspected of hiding, has become a major haven for Islamic militants.

NATIONAL FRONT

November mid-term elections led to a seismic shift in the political landscape, with Democrats gaining control over the House of Representatives and the Senate for the first time in twelve years. Senator Nancy Pelosi (D-Calif.) was slated to become the next Speaker of the House.

The increasingly chaotic war in Iraq, the president's low approval ratings, and a number of Republican corruption scandals were responsible for the Democrats' victory. A day after the election, President Bush announced the resignation of Defense Secretary Donald Rumsfeld, whose intransigent Iraq policies had made him the *bête noire* of Democrats and many Republicans. Robert Gates, former CIA head under the first President Bush, succeeded him.

Complete coverage in pages 14-25

EAR Deemed Insufficient

The consulting firm of Wallace, Roberts & Todd (WRT) presented Council their analysis and recommendations of the issues to the Village's Evaluation & Appraisal Report (EAR) by the State of Florida. The EAR was deemed insufficient on five accounts.

The Village must present an appropriate action plan to correct the situation, otherwise the Village will not be allowed to make changes to its Comprehensive Plan and risks losing state contributions to help fund its projects.

Complete coverage in page 10

Oldest Community Theatre Organization Returns

The Key Biscayne Music and Drama Club was established in 1966 and its mission was to enrich Key Biscayne with performance arts. Over the years at the Calusa Playhouse the organization put on many classic and modern theatrical productions.

Complete story on page 13

In the News



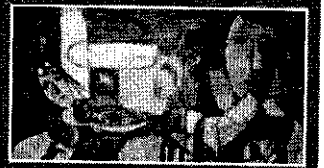
The Qualities of an Ideal UN Ambassador 2

Health Beauty



Vincent Licari: Design savant 6

Art & Culture



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Editorial



Teaching Your Child Restraint 34

Free Zone



New Year Resolution 31



FAX AUDIT No. H04000027279

ARTICLES OF INCORPORATION

The undersigned incorporator, for the purpose of forming a corporation under the Florida Not For Profit Corporation Act, hereby adopt(s) the following Articles of Incorporation:

ARTICLE I. NAME

The name of the corporation shall be: Key Biscayne Community Foundation, Inc.

ARTICLE II. PRINCIPAL OFFICE

The principal place of business and mailing address of this corporation is: One S.E. Third Avenue, 28th Floor, Miami, Florida 33131.

ARTICLE III. PURPOSE(S)

The specific purpose(s) for which the corporation is organized is to provide support for the betterment of the community of Key Biscayne, Florida, and its residents.

ARTICLE IV. MANNER OF ELECTION OF DIRECTORS

The manner in which the directors are elected or appointed is set forth in the By Laws.

ARTICLE V. INITIAL REGISTERED AGENT AND STREET ADDRESS

The name and Florida street address of the initial registered agent is:

American Information Services, Inc.
One Southeast Third Avenue, Suite 2800
Miami, Florida 33131

ARTICLE VI. INCORPORATOR

The name and address of the Incorporator to these Articles of Incorporation:

Henry H. Raattama, Jr.
One Southeast Third Avenue, Suite 2800
Miami, Florida 33131

ARTICLE VII. CHARITABLE ORGANIZATIONS PROVISIONS

Notwithstanding any powers granted to the Corporation by its Articles, By Laws or by the laws of the State of Florida, the following limitations of power shall apply:

a. The Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code").

{M2066325;1}

FAX AUDIT No. H04000027279

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FAX AUDIT No. H04000027279

b. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for the services rendered and to make payments and distributions in furtherance of purposes set forth in the purpose clause hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of (or in opposition to) any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (i) by an organization exempt from federal income tax under Code Section 501(c)(3); or (ii) by an organization contributions to which are deductible under Code Section 170(c)(2).

c. Upon dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of Code Section 501(c)(3), or shall be distributed to the federal government, or a state or local government, for public purpose. Any such assets not so disposed of shall be disposed of by the court having jurisdiction over the Corporation, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Henry H. Raattama
Signature/Incorporator
Henry H. Raattama

2/5/04
Date

(An additional article must be added if an effective date is requested.)

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.
AMERICAN INFORMATION SERVICES, INC.

By Angelica M. Chiru
Signature/Registered Agent
Angelica M. Chiru, Assistant Secretary

2/6/04
Date

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

2007 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

**FILED
May 15, 2007
Secretary of State**

DOCUMENT# NO4000001210

Entity Name: KEY BISCAVNE COMMUNITY FOUNDATION, INC.

Current Principal Place of Business:

240 CRANDON BLVD
SUITE 116 B
KEY BISCAVNE, FL 33149

New Principal Place of Business:

Current Mailing Address:

240 CRANDON BLVD
SUITE 116 B
KEY BISCAVNE, FL 33149

New Mailing Address:

FEI Number: 30-0239421 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired (X)
In accordance with s. 607.193(2)(b), F.S., the corporation did not receive the prior notice.

Name and Address of Current Registered Agent:

Name and Address of New Registered Agent:

AMERICAN INFORMATION SERVICES, INC.
ONE SE THIRD AVENUE SUITE 2800
MIAMI, FL 33131 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

OFFICERS AND DIRECTORS:

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: DR. () Delete
Name: MENDIA, JORGE E
Address: 111 ISLAND DRIVE
City-St-Zip: KEY BISCAVNE, FL 33149

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MS () Delete
Name: RIVAS-VAZQUEZ, ANA GLORIA
Address: 155 OCEAN LANE DRIVE, #1005
City-St-Zip: KEY BISCAVNE, FL 33149

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MR. () Delete
Name: KIENE, H. JOSEPH
Address: 151 CRANDON BLVD, APT 343
City-St-Zip: KEY BISCAVNE, FL 33149

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: MR. () Delete
Name: DEFORTUNA, EDGARDO
Address: 1300 BRICKELL AVENUE
City-St-Zip: MIAMI, FL 33131

Title: () Change () Addition
Name:
Address:
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: ANNE RICHARDS ROTHE

ED

05/15/2007

Electronic Signature of Signing Officer or Director

Date

N04000001276

Florida Department of State
Division of Corporations
Public Access System

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To: Division of Corporations
 Fax Number : (850) 205-0381

From: *Angie Chira*
 Account Name : AKERMAN, SENTERFITT & EIDSON, P.A.
 Account Number : 075471001363
 Phone : (305) 374-5600
 Fax Number : (305) 374-5095

FLORIDA NON-PROFIT CORPORATION
KEY BISCAIYNE COMMUNITY FOUNDATION, INC.

Certificate of Status	0
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TALLAHASSEE, FLORIDA

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FAX ADMIT No. H04000027279

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The name and Florida street address of the initial registered agent is:

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Miami, Florida 33131

ARTICLE VI. INCORPORATOR

The name and address of the incorporator to these Articles of Incorporation:

Henry H. Raattama, Jr.
One Southeast Third Avenue, Suite 2800
Miami, Florida 33131

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1. The Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code").

(M2066325;1)

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TALLAHASSEE, FLORIDA

FAX AUDIT No. H04000027279

b. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for the services rendered and to make payments and distributions in furtherance of purposes set forth in the purpose clause hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of (or in opposition to) any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (i) by an organization exempt from federal income tax under Code Section 501(c)(3); or (ii) by an organization contributions to which are deductible under Code Section 170(c)(2).

c. Upon dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of Code Section 501(c)(3), or shall be distributed to the federal government, or a state or local government, for public purpose. Any such assets not so disposed of shall be disposed of by the court having jurisdiction over the Corporation, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Henry M. Raattama
Signature/Incorporator
Henry M. Raattama

2/5/04
Date

(An additional article must be added if an effective date is requested.)

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.
AMERICAN INFORMATION SERVICES, INC.

By Angelica M. Chiru
Signature/Registered Agent
Angelica M. Chiru, Assistant Secretary

2/6/04
Date

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

2007 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# N04000001276

FILED
May 15, 2007
Secretary of State

Entity Name: KEY BISCAYNE COMMUNITY FOUNDATION, INC.

Current Principal Place of Business:

240 CRANDON BLVD
SUITE 116 B
KEY BISCAYNE, FL 33149

New Principal Place of Business:

Current Mailing Address:

240 CRANDON BLVD
SUITE 116 B
KEY BISCAYNE, FL 33149

New Mailing Address:

FEI Number: 30-0239421 FEI Number Applied For () FEI Number Not Applicable () Certificate of Status Desired (X)
In accordance with s. 607.193(2)(b), F.S., the corporation did not receive the prior notice.

Name and Address of Current Registered Agent:

AMERICAN INFORMATION SERVICES, INC.
ONE SE THIRD AVENUE SUITE 2800
MIAMI, FL 33131 US

Name and Address of New Registered Agent:

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

_____ Date

OFFICERS AND DIRECTORS:

Title: DR. () Delete
Name: MENDIA, JORGE E
Address: 111 ISLAND DRIVE
City-St-Zip: KEY BISCAYNE, FL 33149

Title: MS () Delete
Name: RIVAS-VAZQUEZ, ANA GLORIA
Address: 155 OCEAN LANE DRIVE, #1005
City-St-Zip: KEY BISCAYNE, FL 33149

Title: MR. () Delete
Name: KIENE, H. JOSEPH
Address: 151 CRANDON BLVD, APT 343
City-St-Zip: KEY BISCAYNE, FL 33149

Title: MR. () Delete
Name: DEFORTUNA, EDGARDO
Address: 1300 BRICKELL AVENUE
City-St-Zip: MIAMI, FL 33131

ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

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Name:
Address:
City-St-Zip:

Title: () Change () Addition
Name:
Address:
City-St-Zip:

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with an address, with all other like empowered.

SIGNATURE: ANNE RICHARDS ROTHE

ED

05/15/2007

Electronic Signature of Signing Officer or Director

_____ Date

N04000001276

Florida Department of State
Division of Corporations
Public Access System

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Fax Number : (850) 205-0381
From: *Angie Chiu*
Account Name : AKERMAN, SENTERFITT & EIDSON, P.A.
Account Number : 075471001363
Phone : (305) 374-5600
Fax Number : (305) 374-5095

FLORIDA NON-PROFIT CORPORATION
KEY BISCAIYNE COMMUNITY FOUNDATION, INC.

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