

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, June 16, 2008 2:02 PM
To: 'James.Edwards@citynmb.com'
Subject: INQ 08-107 Opinion Regarding Vote

Mr. Edwards,

Robert Meyers has asked me to respond to your question about possible voting conflicts for CRA/council members Jay Chernoff and Phyllis Smith involving a property the CRA wishes to purchase through an agent with the Aventura office of Coldwell Banker Real Estate Corporation.

Based on the facts presented, neither Ms. Chernoff nor Ms. Smith has a voting conflict regarding property represented by an Aventura Coldwell agent because neither will benefit or be enhanced by the transaction in a manner distinct from the general public, as per Section 2-11.1 (d) of the Ethics Code.

You stated that Ms. Chernoff is the managing broker-agent of a Broward office of Coldwell Banker and does not profit or benefit from the transaction presented to the CRA by an agent from the Aventura office. Ms. Smith is an independent real estate agent at the Aventura Coldwell office who does not profit or benefit from any sales other than her own. Additionally, the Ethics Commission has opined that independent real estate agents do not have an employment relationship with their real estate office. Therefore, we can eliminate conflicts based on employment or any other prohibited relationship, as defined at under Section 2-11.1 (d) of the Ethics Code.

If you have further questions, please do not hesitate to call me or Robert Meyers.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade Co. Commission on Ethics
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From: Edwards, James [mailto:James.Edwards@citynmb.com]
Sent: Wednesday, June 11, 2008 4:34 PM
To: Meyers, Robert (COE)
Subject: Opinion Regarding Vote

Our City Council members are also the members of the Board of Directors of the Community Redevelopment Agency (CRA). The CRA Board will be asked to vote on the purchase of parcels of land. One of those parcels has a broker involved who is an agent for Coldwell Banker. Two of our Board Members are also real estate brokers with Coldwell Banker (but not the same office).

6/16/2008

Question:

Can those two Board Members vote on the property purchase given their association with Coldwell Banker? The Members are not involved in this transaction in any other way.

Thank you.

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