

Meyers, Robert (COE)

JNO 09-22

From: Meyers, Robert (COE)
Sent: Friday, February 06, 2009 11:57 AM
To: 'David M. Wolpin'
Subject: RE: County Ethics Code

David:

I referred this matter to Victoria and the two of us discussed it and then I forgot to provide you with our opinion. We agree with your conclusion that the upgrade does not amount to a gift as the city commissioner has supplied adequate consideration.

Robert

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Friday, February 06, 2009 11:07 AM
To: Meyers, Robert (COE)
Subject: FW: County Ethics Code

Hi Robert- have you had a chance to examine this?
 Thanks

WEISS
 SEROTA
 HELFMAN
 PASTORIZA
 COLE &
 BONISKE, P.L.

David M. Wolpin, Esq.
 Member

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
 200 East Broward Blvd., Suite 1900
 Fort Lauderdale, FL 33301
www.wsh-law.com
 Tel: (954) 763-4242
 Fax: (954) 764-7770

This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (954) 763-4242 or by return e-mail and delete the message, along with any attachments.

From: David M. Wolpin
Sent: Monday, February 02, 2009 2:11 PM
To: 'Meyers, Robert (COE)'
Cc: David M. Wolpin
Subject: County Ethics Code

Hi Robert- do you agree that a city commissioner who owns a local magazine publishing company may accept a membership upgrade from a private marketing council (of which the commissioner has been a long time(pre-election) member) in exchange for the commissioner's firm performing services to build , promote and manage a modern web site of the marketing council , and that such marketing council membership upgrade would **not** be considered to be a Gift under Sec. 2-11.1 (e), since the performance of such web site improvement services

2/6/2009

constitutes "adequate and lawful consideration" for the membership upgrade? The upgraded annual membership level from the marketing council has a value of Five Thousand (\$5,000) Dollars. The work to be performed to build and promote the web site has a value of Twelve to Fifteen Thousand (\$12,000- \$15,000) Dollars. Once the web site is completed and promoted, it is envisioned that the commissioner's firm will manage the web site and share future advertising revenue from the web site with the marketing council.

I noticed that under the State Ethics Code (which I recognize is outside of your responsibility) there is a specific definitional exemption for this type of private business transaction under 112.312(12)(b)(1), F.S.

Please advise.
Thank you.



**WEISS
SEROTA
HELPMAN
PASTORIZA
COLE &
BONISKE, P.L.**

David M. Wolpin, Esq.
Member

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
200 East Broward Blvd., Suite 1900
Fort Lauderdale, FL 33301
www.wsh-law.com
Tel: (954) 763-4242
Fax: (954) 764-7770

This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (954) 763-4242 or by return e-mail and delete the message, along with any attachments.