

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, August 31, 2010 3:10 PM
To: 'Dotson, Gail A.'
Subject: Potential conflict of interest on real estate transaction (INQ 10-159)

Gail,

I've discussed your question with Robert Meyers and we agree that Commissioner Francis Suarez does not have any ethics conflicts in assisting a client through the Commissioner's privately owned closing company, nor is he prohibited from being compensated for that service, when the client is a recipient of a second mortgage through the City of Miami's Borrowers Assistance Program.

We assume that the client was qualified and approved for the second mortgage through procedures established under the City's Department of Community Development program and that Commissioner Suarez took no official action in this matter and had no influence whatsoever on the client's obtaining the second mortgage.

The Commissioner is advised, however, that if the client chose to renegotiate the terms of the second mortgage with the City or had any other issues before the city under this contract, Commissioner Suarez *would not be allowed to represent the client before the City* as per the City Code at Sec. 2-612 (a) and the County Ethics Code at Sec. 2-11.1 (m).

Please feel free to contact me if I can be of further assistance.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601
Fax: 305 579-0273



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From: Dotson, Gail A. [mailto:gdotson@miamigov.com]
Sent: Tuesday, August 31, 2010 8:09 AM
To: Frigo, Victoria (COE); Meyers, Robert (COE)
Cc: Smith, Shirley
Subject: FW: Potential conflict of interest on real estate transaction
Importance: High

Robert and Victoria,

Please call me as soon as you receive this message – see below. Commissioner Suarez would like a response ASAP. Need to discuss timing with you.

8/31/2010

Thanks, Gail

Gail Ash Dotson, Assistant City Attorney	
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	Assistant: Shirley Smith 305-416-1841

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From: Suarez, Francis (Commissioner)
Sent: Monday, August 30, 2010 4:58 PM
To: Bru, Julie; Chiaro, Maria J
Cc: Llorente, Mike; steve@edgetitlecompany.com
Subject: Potential conflict of interest on real estate transaction

Madam Attorney,

As soon as practicable, I need a legal opinion on whether a transaction being currently contemplated by my real estate closing company presents a conflict of interest for which I may not be able to represent the buyer? The underlying facts are as follows:

Our company represents the purchaser of real property for which he will be given a first mortgage and a second mortgage. The first mortgage is with Great Florida Bank in the amount of \$86,912.00. The second mortgage is being given to the borrower by the City of Miami's Borrowers Assistance program in the amount of \$56,500.00 .

1. Can I represent the buyer/borrower on this transaction? I would have the obligation of closing the transaction in accordance with the lending agency's closing instructions (The City of Miami) and would have to issue a policy potentially in favor of that agency.
2. Can I represent the buyer in the transaction and close the purchase and sale transaction and the first mortgage, and refer the second mortgage closing to another attorney with no expectation of referral compensation?
3. Must I refer this closing outright to someone else and in that case, is it appropriate to at least recover our company's costs in the transaction?

Please also refer this matter to the Miami Dade Commission on Ethics to receive an opinion from that entity as well.

I stand available to answer any additional question that your office or the commission on ethics may ask.

Thank you,

8/31/2010

Francis Suarez
City of Miami Commissioner
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