

**Frigo, Victoria (COE)**

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**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, November 23, 2010 2:51 PM  
**To:** 'joanne.carbana@feldmangetz.com'  
**Cc:** Murawski, Michael P. (COE)  
**Subject:** Ethics Opinion INQ 10-187

Ms. Carbana,

This is in response to your request for an ethics opinion related to potential voting conflicts that may arise as a member of Community Council 5. Specifically, you asked if you must recuse yourself from voting on matters involving attorneys associated with law firms that formerly employed you. You stated that you have worked for several law firms since 1971 as a paralegal, but not in the areas of real estate or zoning.

Under the County Code, you have no voting conflicts as long as you are not a current employee of the law firm (and have no other prohibited relationship with the firm or entity represented) and you would not be directly affected by the action taken by the Community Council.

Section 2-11.1 (v) of County Code prohibits you from voting *only* if you meet *both* of the following conditions—you would be directly affected by the action of the Community Council *and* you have a prohibited relationship with the entity before you. Prohibited relationships include officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor.

If you have additional questions, please feel free to contact me.

Sincerely,

Victoria Frigo, Staff Attorney  
Miami-Dade County Commission on Ethics  
Direct Phone: 305 350-0601  
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19 West Flagler St., Suite 820  
Miami, FL 33130

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**From:** Murawski, Michael P. (COE)  
**Sent:** Tuesday, November 23, 2010 9:57 AM  
**To:** 'Joanne Carbana'  
**Cc:** Meyers, Robert (COE); Frigo, Victoria (COE); Walker, Ardyth (COE)  
**Subject:** RE: Ethics Opinion  
**Importance:** High

**Hi Ms. Carbana:**

I am forwarding your request to the attorney's in the office who perform the official "opinion giving" function, however, this appears to be a matter covered by section 2-11.1(v) of our Conflict of Interest and Code of ethics ordinance. That portion of the code deals with voting conflicts for quasi-judicial boards, it prohibits you from voting on any matter presented to your board if the board member [you] will be directly affected by the action of the board AND you have any of the following relationships with any of the persons or entities appearing before the board i.e. officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary or stockholder, bondholder, debtor or creditor.

Since it appears from what you are saying that at the time Greenspoon Morder appeared before you you were not presently an employee of that firm that you did not have a conflict and could have participated. However, as I indicated, I will let the attorneys give you a definitive/official response which hopefully they will get back to you no later than Monday after the holiday but I will make sure someone gets back to you.

Hope you have a Great Thanksgiving and Good Luck in your elected position!

Mike

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**From:** Joanne Carbana [mailto:joanne.carbana@feldmangetz.com]  
**Sent:** Tuesday, November 23, 2010 8:55 AM  
**To:** Murawski, Michael P. (COE)  
**Subject:** Ethics Opinion

Good morning Mike -

I was at the swearing in ceremony on Friday, Nov 19 and brought up this problem that I had not received a response. At one of our recent Community Council 5 Zoning meetings, one of the items that came before the council was a zoning issue on behalf of a business entity being represented by an attorney from the lawfirm of "Greenspoon Marder". This was a firm that I worked for from June 2000 to January 2005. I worked for a PI attorney at this firm, Jeff Fox. I did not work for the attorney that was present. In an abundance of caution, I excused myself stating that I had worked years ago at this firm and did not want to create a conflict and I left. I have worked for several law firms since 1971. The current firm that I work for, Feldman and Getz, LLP does not handle real estate. My job is a Certified Legal Assistant working for John Getz, Esquire, on PI and trials on behalf of our clients who are Plaintiffs. My question - is it a conflict of interest if a firm that I worked for in the past, even though I have not worked in real estate since 1980, comes before the community council meetings on behalf of someone and do I need to excuse myself like I did in this instance? I do not want to cause a problem for the Council. Thank you in advance for your reply. If you have any questions, please do not hesitate to call or email me. I wish you and your family a Happy Thanksgiving!

**Joanne Carbana**

Paralegal to John T. Getz

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