Frigo, Victoria (COE)

From: Frigo, Victoria (COE)

Sent: Wednesday, December 29, 2010 3:28 PM

To: 'jgutierrez@jagaia.com'

Cc: 'Lynn Dannheisser'; 'Linda Miller'

Subject: Surfside Design Review Board

Mr. Gutierrez,

This is in response to your email of Dec. 20, 2010, in which you inquired about representing private architectural clients in the Town of Surfside based on your board service on the Town's Design Review Board and your former service on the Planning and Zoning Board.

In consultation with the Town Attorney, Lynn Dannheisser, we have confirmed that the County Ethics Code does not conflict with ordinances in the Town of Surfside.

Therefore, the following is the opinion of the Miami-Dade Commission on Ethics staff.

Because the Design Review Board is an architectural board whose sole function is to pass on the aesthetics of plans submitted, you may make presentations on behalf of your private architectural clients before the Design Review Board. (See Miami-Dade County Code at Sec. 2-11.1 (m)(2)).

Additionally, the County Ethics Code allows you to appear before the Planning and Zoning Board as long as you are no longer serving on that board.

Finally, as you have already acknowledged, the Miami-Dade County Code at Sec. 2-11.1 (v) does not allow you to vote on any matters that came before the Design Review Board related to your private clients. Please be advised that recusal under the County ordinance has been interpreted to mean that you absent yourself from the meeting during the discussion of the matter and that you not vote on or participate in any way in the matter.

Thank you for your board service, and best wish for the New Year.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
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