

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 15, 2010 1:21 PM
To: 'MGlinn@wsh-law.com'
Subject: City commissioner's voting conflict (reference INQ 10-67)
Attachments: RQO 98-22 Morales.pdf

Hello MacAdam,

We discussed yesterday possible voting conflicts for a City Commissioner who was “of counsel” to a law firm. A client of the law firm (but not the Commissioner’s client) was planning to respond to a city RFP. You asked if the Commissioner could vote on matters related to the client of his firm.

I’ve discussed your question with Robert Meyers, our Executive Director, and he agrees that as long as the Commissioner has none of the enumerated relationships outlined in Sec. 2-11.1 (d) of the County Code with the entity **or** he would not be affected in a manner distinct from the public generally by voting on matters related to the entity, the Commissioner has no voting conflicts.

As I understand the facts, the Commissioner is not “of counsel” to this particular entity and has no other prohibited relationship with this entity as described in Sec. 2-11.1 (d). Additionally, the Commissioner is not a partner in the law firm so that any benefit the law firm might gain as a result of this client being successful in the city would not directly or indirectly benefit the Commissioner.

I’ve attached an ethics opinion dating back to 1998 given to then–County Commissioner Jimmy Morales. Mr. Morales was prohibited from voting when a client of his law firm appeared before the County Commission because Mr. Morales was a **partner** in the law firm and stood to benefit either directly or indirectly from the vote.

Please feel free to contact me if I you have further questions.

Sincerely,

Victoria Frigo, Staff Attorney

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