

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, May 13, 2010 5:13 PM
To: Wolpin, David
Subject: FMU and the City of Miami Gardens (INQ 10-89)

David,

This is in response to you question regarding Miami Gardens City Council Member Oliver Gilbert, who is of counsel to your firm.

Based on the facts you presented, Mr. Gilbert does not have a voting conflict regarding FMU's zoning application under Sec. 2-11.1 (d) of the Ethics Code. He does not have any of the prohibited relationships with FMU (officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor). Furthermore, he will not be affected by the council's action in a manner distinct from the manner in which the public is generally.

Additionally, because Mr. Gilbert will not receive compensation, directly or indirectly, as a result of the appearance of FMU before the city council, he does not violated Sec. 2-11.1 (m).

Although not required under the Ethics Code, we understand that Mr. Gilbert will not participate in the matters presented by FMU to avoid an appearance of impropriety.

Regards,

Victoria Frigo, Staff Attorney
 Miami-Dade County Commission on Ethics
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From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Wednesday, May 12, 2010 4:54 PM
To: Meyers, Robert (COE)
Cc: David M. Wolpin
Subject: County Ethics Code

Hi Robert- I would appreciate your ethics staff opinion upon whether our law firm may represent our long- term client Florida Memorial University (the “ FMU ”) on its applications to the City of Miami Gardens (the “ City “) . Our firm has represented FMU since 1993 on a divers array of legal matters. Recently, FMU asked our firm to represent them on their rezoning and site plan applications (the “ FMU Applications ”) to the City . FMU is located within the City and desires to build a new, modern dormitory facility for its college students. The City will require FMU to rezone the entire campus and to obtain site plan approval.

The circumstance which gives rise to our inquiry is that Oliver Gilbert, who is of- counsel to our firm and practices in the litigation section of our firm, is a duly elected member of the City Council. Mr. Gilbert is seeking re- election

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to the City Council in August, 2010 . In compliance with Section 2-11.1 (d) of the County Ethics Code, Mr. Gilbert will **not** be involved, in any way, for either or our firm or for the City in the FMU Applications. He will not participate in any discussions of the FMU Application (either outside of or within any City meeting) and will absent himself from that portion of the City Council meetings at which the FMU Application will be heard and will not vote on the FMU Applications .

Please confirm the correctness of our understanding that so long as Mr. Gilbert does not participate in the FMU Application and does not receive any compensation from our firm in relation to the FMU Applications, that there will **not** be any conflict or prohibition under the County Ethics Code, including , but not limited to Section 2-11.1 (d) . .

Thank you for your advice and assistance.



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