

Meyers, Robert (COE)

IND 10-109

From: Meyers, Robert (COE)
Sent: Friday, June 11, 2010 11:50 AM
To: 'Pedro Allende'
Subject: RE: Commission Appointment / Conflict Waiver - Pedro Allende / Performance and Efficiency Commission

Dear Mr. Allende:

I apologize for not responding to your question sooner. At best, I can offer you general guidance about serving on a County board and in the future respond to specific conflict questions that might arise as a result of your board service and your private employment.

There are several provisions of the County's Conflict of Interest and Code of Ethics Ordinance worth highlighting. The sections of the ethics code that cover transacting business with the County, specifically 2-11.1(c) and (d), only become an issue if your law firm were to enter into a contract with Miami-Dade County and the Performance and Efficiency Commission had regulatory, oversight or management authority over the contract. Assuming that would not be the case, a conflict of interest would not be created if you sat on this board and your law firm entered into a contract with Miami-Dade County. Another potentially relevant section, 2-11.1(j), addresses conflicting employment and states that one's private employment should not impair one's independence of judgment in the performance of one's public duties. Section 2-11.1(m)(2) prohibits board members from appearing before their own boards or receive compensation based on another party's appearance before their board. In other words, if your law firm appeared by the Performance and Efficiency Commission and you were to benefit from that appearance, a conflict of interest would be created. This section also contains language concerning lawsuits against Miami-Dade County. You, personally, are not permitted to represent a party suing Miami-Dade County if you wish to remain on a County board, but your law firm can without violating the ethics laws. Lastly, Section 2-11.1(v) establishes voting conflicts for individuals who sit on County boards. A voting conflict can be created if one is directly affected by the board's action and the board member has a special relationship with a party or applicant who benefits from the board's action.

The above is meant to give you an overview of the pertinent sections of the ethics code. If you have a more specific question, please send it to me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust

From: Pedro Allende [mailto:pallende@BSFLLP.com]
Sent: Thursday, June 10, 2010 11:29 AM
To: Meyers, Robert (COE)
Subject: RE: Commission Appointment / Conflict Waiver - Pedro Allende / Performance and Efficiency Commission

Good morning Mr. Meyers, I am just following up with regard to the Commission on Ethics and Public Trust opinion dealing with any potential conflicts relating to my service on the Performance and Efficiency Commission. Please let me know if I can provide any additional information.

Pedro M. Allende, Esq.
 Associate

BOIES, SCHILLER & FLEXNER LLP
 100 Southeast Second Street, Suite 2800
 Miami, Florida 33131
 Tel: (305) 357-8455
 Fax: (305) 357-8555

6/11/2010

Mobile: (305) 482-3529
E-mail: pallende@bsflfp.com

From: Meyers, Robert (COE) [<mailto:RMEYERS@miamidade.gov>]
Sent: Tuesday, May 25, 2010 2:02 PM
To: Pedro Allende
Subject: RE: Commission Appointment / Conflict Waiver - Pedro Allende / Performance and Efficiency Commission

Mr. Allende:

Thank you for your e-mail. The Miami-Dade Commission on Ethics and Public Trust issues ethics opinions on a case-by-case basis. Thus, we do not give general conflict waivers. If you believe a conflict of interest might exist precluding you from serving on the Miami-Dade Performance and Efficiency Commission, please provide me with the facts and our office will issue an opinion.

If you need further clarification, please feel free to reply to my e-mail or call me at (305) 350-0613.

Thank you,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

From: Pedro Allende [<mailto:pallende@BSFLLP.com>]
Sent: Friday, May 21, 2010 7:34 AM
To: Meyers, Robert (COE)
Subject: Commission Appointment / Conflict Waiver - Pedro Allende / Performance and Efficiency Commission

Mr. Meyers,

My name is Pedro Allende, I was recently appointed to the Miami-Dade County Performance and Efficiency Commission. I am also a practicing attorney in Miami-Dade County and would like to obtain a conflict waiver from the appropriate authority.

I'm sure this is an issue that comes up routinely and was wondering if you have a preferred form conflict waiver or whether I should draft one and submit it for review. Please advise.

Thank you,

Pedro
Pedro M. Allende, Esq.
Associate
BOIES, SCHILLER & FLEXNER LLP
100 Southeast Second Street, Suite 2800
Miami, Florida 33131
Tel: (305) 357-8455
Fax: (305) 357-8555
Mobile: (305) 482-3529
E-mail: pallende@bsflfp.com

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