

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, September 02, 2010 12:38 PM
To: 'Kathryn Mehaffey'
Subject: Miami Lakes Voting Conflict (INQ 10-162)

Hello Kathy,

You asked if council members have a voting conflict if an accountant they retain in their private capacity appears before the town council in an unrelated matter.

I have discussed the question with Robert Meyers, and we agree that the facts you presented do not create a voting conflict for the council members.

You stated that the town council is considering leasing property to be used for a town facility, and one of the properties under consideration is owned by the aforementioned accountant.

The County Ethics Code at Sec. 2-11.1 (d) prohibits council members from voting on matters involving persons or entities with whom they have certain relationships, i.e., officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor, or creditor. However, the Ethics Commission has opined that the prohibition is limited to relationships that exist within the context of the matter being voted on.

In other words, relationships that exist completely separate from the matter being voted on do not prevent the council member from voting. However, because an appearance of impropriety could be construed by the public, voting members may wish to disclose the relationship before taking any official action.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601
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-----Original Message-----

From: Kathryn Mehaffey [mailto:KMehaffey@wsh-law.com]
Sent: Thursday, September 02, 2010 11:54 AM
To: Frigo, Victoria (COE)
Subject: Conflict

Good morning Victoria,

We would like your assistance in addressing the following question:

If an council is preparing to take action on an item involving consideration of several options for a land/building lease/purchase to provide for a new Town facility, and one of the properties under consideration is owned by a property owner who is also an accountant, and two of the councilmembers utilize that property owner as their personal accountant, is there a conflict, such that the councilmember's should not participate in the issue?

Thank you very much for your assistance,

Sincerely,

[<http://www.wsh-law.com/Includes/Templates/Active/images/h-logo.gif>] Kathryn Mehaffey, Esq.

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