

Meyers, Robert (COE)

INQ 10-175

From: Meyers, Robert (COE)
Sent: Tuesday, October 19, 2010 12:52 PM
To: 'David M. Wolpin'
Subject: RE: Question Under County Ethics Code

David:

In order for an elected official to have a voting conflict under the County ethics code, the official must have an enumerated relationship with a party or applicant appearing before the official's board or the official must be directly or indirectly affected by the board's action. In this particular case, Council Member Sanz does not have an enumerated relationship with the applicant, as the application is from Bal Harbour Shops, not Neiman Marcus (Mr. Sanz' employer). Moreover, extensive redevelopment of the Bal Harbour Shops could potentially affect the tenants, but the benefit to Council Member Sanz is so speculative a voting conflict would not be created in this case. Therefore, Council Member Sanz may participate in and vote on this item.

If you have any further questions, please do not hesitate to contact me at your convenience.

Thanks,

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

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Friday, October 15, 2010 5:30 PM
To: Meyers, Robert (COE)
Cc: David M. Wolpin
Subject: FW: Question Under County Ethics Code

Hi Robert- please provide guidance from your staff as to whether you concur that no conflict of interest would arise for Bal Harbour Council Member Jaime Sanz to consider and vote upon the Bal Harbour Village Comprehensive Plan amendments requested by the Bal Harbour Shops (the " Applicant") . The Applicant seeks to extensively redevelop the Bal Harbour Shops (the " Mall") property, in part by inclusion of the present Village Hall property into the Mall and relocation of the Village Hall to other Village Property (occupied by the Public Works facility) . Council Member Sanz is employed by Neiman Marcus, one of the anchor tenants at the existing Mall. Neiman Marcus is **not** an applicant on the matter.

Many further steps would remain to approve a potential transaction between the Village and the Bal Harbour Shops, if the overall concept is to be implemented. The comprehensive plan amendment component is the first step in the potential process.

Please advise as to whether you agree that no voting conflict or participation conflict is presented under Section 2-11.1 (d) or other provisions of the County Ethics Code. First reading of this matter is being held on Tuesday , October 19, 2010.

Thank you.

David M. Wolpin, Esq.
 Member

**WEISS
 SEROTA
 HELFMAN
 PASTORIZA**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
 200 East Broward Blvd., Suite 1900
 Fort Lauderdale, FL 33301

10/19/2010

www.wsh-law.com

Tel: (954) 763-4242

Fax: (954) 764-7770



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