

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 7/7/03

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for _____ at _____ .m; or No _____

Commission Action: _____

Final Opinion Letter: Mailed on: _____; or

Final Disposition: _____

Handwritten signature and initials, possibly "Mike Abrams", with a date "7/7/03" and some scribbles.

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Monday, July 07, 2003 3:51 PM
To: 'Mike Abrams'
Subject: RE:

Mike,

I consulted with our general counsel and she and I believe that a conflict exists under the the Citizens Independent Transportation Trust enabling legislation that would bar you from serving on the CITT because of your law firm provides legal services to the Jackson Health Plan. Alternatively, if your firm is simply providing pro bono services, this should not operate as a bar to you sitting on the Trust. These, however, are our preliminary findings and we can put these questions on the agenda of the next Ethics Commission meeting, which is scheduled for Wednesday, July 9th. If you wish to have these matters considered by the full Ethics Commission, our staff general counsel will prepare a draft opinion, which she will present to the Ethics Commission at the meeting. After considering the matter, the Commission will then issue an opinion on the day of the meeting. More often than not the Commission agrees with counsel's recommendation, but it has the authority to reach a different conclusion.

Let me know as soon as possible how you wish to proceed. Keep in mind that if you request an opinion from the full Ethics Commission, staff needs time to prepare an opinion for Commission review.

Thanks,

Robert

-----Original Message-----

From: Mike Abrams [mailto:MikeA@katzlaw.com]
Sent: Thursday, July 03, 2003 4:14 PM
To: 'Meyers, Robert (COE)'
Subject: RE:

Thanks so much-have a great 4th

-----Original Message-----

From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]
Sent: Thursday, July 03, 2003 11:28 AM
To: 'Mike Abrams'
Subject: RE:

Mike,

Sorry I haven't responded sooner, but I was out of town until the 1st. Let me run this by our general counsel and I'll try to get back to you by the end of the day. If not today, then definitely by Monday.

Robert

-----Original Message-----

From: Mike Abrams [mailto:MikeA@katzlaw.com]
Sent: Thursday, July 03, 2003 9:26 AM
To: Meyers, Robert (COE)
Subject: RE:

Robert

Another question I really need to try to get an answer on as soon as possible.

I discovered my law firm provides legal advice to the Jackson Health Plan, which is administered by the Public Health Trust. It is a small contract and I receive no financial benefit. Is that a conflict under the ordinance.

Secondly, would it be a conflict if the law firm provided pro bono legal advice to the Jackson Health Plan.

Mike

-----Original Message-----

From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]

Sent: Thursday, May 29, 2003 10:21 AM

To: 'Mike Abrams'

Subject: RE:

Mike,

Thanks for your patience. Pursuant to the County Conflict of Interest and Code of Ethics Ordinance, I would respond to your questions in the following manner:

- 1) Your prior relationship representing the County and Jackson Memorial Hospital would not bar you from serving on the CITT.
- 2) The fact that your law firm represents companies that do business with the County does not create a conflict that would prohibit you from serving on the CITT. If, however, these companies that your firm represents appeared before the CITT, you would have to recuse yourself with respect to these matters.

Please feel free to contact me if you have any additional questions.

Robert

-----Original Message-----

From: Mike Abrams [mailto:MikeA@katzlaw.com]

Sent: Wednesday, May 28, 2003 11:07 PM

To: 'Meyers, Robert (COE)'

Subject: RE:

Robert

The firm does not have a direct relationship with the County, but represents companies that do business with the County.

Mike Abrams

-----Original Message-----

From: Meyers, Robert (COE)

To: 'Mike Abrams'

Sent: 5/28/2003 4:50 PM

Subject: RE:

Mr. Abrams,

Thank you for re-sending this e-mail. I need to consult with our general counsel before responding to question #2. Specifically, what type of relationship does your law firm have with the County?

I will get back to you tomorrow.

Thanks,

Robert Meyers

-----Original Message-----

From: Mike Abrams [mailto:MikeA@katzlaw.com]
Sent: Wednesday, May 28, 2003 12:00 PM
To: Robert Meyers (E-mail)
Subject: FW:

-----Original Message-----

From: Mike Abrams
Sent: Friday, May 09, 2003 3:00 PM
To: 'rmeyers@miami.dade.gov.'
Subject:

Dear Mr. Meyers.

Two ethics questions:

1. My firm previously represented Miami-Dade County and Jackson Memorial Hospital in legislative matters. We no longer do. Does the pose any kind of conflict for me as a member of the CITT.
2. Is my law firm allowed to represent a company that may have a relationship with Miami-Dade County?

I look forward to your response.

Mike Abrams

KAO 03-107

Meyers, Robert (COE)

To: Mike Abrams**Subject:** RE:

Mike,

We will put the item on the agenda for you. I may need to get input from the County Attorney's Office as well, given the fact that office is charged with interpreting the ordinance that gives rise to the possible conflict. Ironically, under the county's Code of Ethics Ordinance there is no conflict of interest because, as you pointed out, the PHT is an independent body able to enter into its own contractual relations. The problem lies with the enabling language creating the CITT, which is more restrictive.

I will contact you once the Commission and the County Attorney have stated formal positions on the question. If you wish to attend our Ethics Commission meeting, we meet in the Biscayne Building, 19 West Flagler Street, Suite 220. The meeting starts at 10:00 a.m. and the requests for opinion are the first order of business.

Robert

-----Original Message-----

From: Mike Abrams [mailto:MikeA@katzlaw.com]**Sent:** Monday, July 07, 2003 4:01 PM**To:** 'Meyers, Robert (COE)'**Subject:** RE:

Robert

Thank you. The firm is prepared to resign the account but I think the Trust and our lawyer would love to continue the relationship on a pro bono basis. I would very much like the formal opinion July 9th. I would presume your preliminary opinion below takes into consideration the Public Health Trust being an independent body able to enter into its own contractual relations.

Mike

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