



**ETHICS COMMISSIONERS**

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ARDYTH WALKER  
STAFF GENERAL COUNSEL

October 2, 2009

Benedict P. Kuehne, Esq.  
100 SE 2<sup>nd</sup> Street  
Miami, FL 33131

Via First Class Mail and email at [ben.kuehne@kuehnelaw.com](mailto:ben.kuehne@kuehnelaw.com)

Re: RQO 09-30  
FORMAL ETHICS OPINIONS WILL NOT BE ISSUED TO ANONYMOUS  
REQUESTORS, Miami-Dade County Code at § 2-11.1 (r)

Dear Mr. Kuehne:

Your correspondence dated August 27, 2009, raised the question of whether a person within the jurisdiction of the Ethics Commission, who is represented by an attorney, may request a formal opinion from the Ethics Commission anonymously through his or her attorney.

At a public meeting held on September 30, 2009, the Commission on Ethics concluded that *formal* ethics opinions rendered at public meetings will be given only to individuals who identify themselves to the Ethics Commission. Individuals seeking formal opinions may request that their names not be published.

Individuals who submit *informal* inquiries to the Ethics Commission staff about matters already clearly settled under the law and through Commission precedent need not identify themselves.

The Ethics Commission reasoned that a person making a formal request must be identifiable in order to ascertain the relevant facts and render informed advice in matters of public importance.

The Miami-Dade County Code at § 2-11.1 (r) states that the Ethics Commission shall publish opinions "without use of the name of the person advised unless such person requests the use of his or her name." The directive to refrain from publishing the requestor's name does not convey all-encompassing anonymity to the requestor.<sup>1,2</sup>

<sup>1</sup> The State Ethics Commission does not render opinions to anonymous requestors, but a comparable section of the state ethics law allows for publishing ethics opinions "without naming the person making the request, unless such person consents to the use of his or her name." Fla. Stat. 112.322 (3)(a) (2009).

<sup>2</sup> Absent a statutory exemption under the Public Records Act at Fla. Stat. 119.017 (2009), a requestor's name will not be redacted from internal, unpublished records of the Miami-Dade Ethics Commission.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact Victoria Frigo, Staff Attorney, at 305 350-0601, or Robert Meyers at 305 579-2594, if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Meyers", followed by a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director