

## Was a commissioner improperly ‘opinion shopping’? Investigators will decide.

[By Aaron Leibowitz](#)

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North Miami Beach Commissioner Michael Joseph (left), and Mayor Anthony DeFillipo (right)

Investigators are looking into whether North Miami Beach Commissioner Michael Joseph abused his power by allegedly seeking opinions from attorneys outside the city about the mayor’s term limits.

The Miami-Dade County Ethics Commission is reviewing the allegations and communicating with the county’s State Attorney’s Office on the matter, the Miami Herald confirmed Tuesday. Both agencies declined to comment on whether an inquiry had been opened.

The probe began after the agencies got a referral last week from attorney Michael Pizzi, who represents North Miami Beach Mayor Anthony DeFillipo in an [ongoing defamation lawsuit](#). Pizzi pointed to a Feb. 14 email that City Attorney Sarah Johnston sent to DeFillipo after he asked her to tell him who was seeking information about the term-limit issue.

Johnston told the mayor that Joseph had been “opinion shopping” last year, asking for opinions from outside lawyers even after she told him that DeFillipo was indeed eligible to seek reelection and showed him opinions that said as much.

“He insisted that there must be truth to the rumor he heard about term limits and wanted another opinion,” Johnston told DeFillipo. “I explained the issues with opinion shopping and [said] the current Charter language was not ambiguous.”

Johnston said it was “brought to [her] attention” that Joseph had asked two attorneys from an outside firm, Weiss Serota Helfman Cole & Bierman, to review an opinion by Robert Meyers, a lawyer for the firm and the former director of the Ethics Commission. Meyers told Johnston in June that DeFillipo could seek reelection this November after Johnston asked Meyers for guidance as the city’s outside counsel.

The Miami Herald has filed a public records request for any evidence that Joseph sought outside attorney opinions. Johnston declined to comment Tuesday, and a representative for Weiss Serota could not be reached for comment.

Joseph denied seeking the opinions, telling the Herald in an email that Johnston “is the only attorney I have asked for a legal opinion on the matter.” He chalked up her characterization of him as opinion shopping to “an innocent exaggeration about my interest in the term limit rules,” and said he accepts Johnston’s opinion that DeFillipo is eligible to run in November.

“I’m not in the business of going down rabbit holes with wild and unsubstantiated allegations,” Joseph told the Herald. “I’m here just to do the people’s business.”

The charter for North Miami Beach, a North Miami-Dade city of about 45,000 people, bars elected officials from serving more than two consecutive four-year terms. DeFillipo first became a commissioner in 2013 and was elected as mayor in November 2018, which came midway through his second term after George Vallejo [resigned amid corruption charges](#).

In his opinion provided to Johnston last June, Meyers said that, under the city charter, DeFillipo’s current term as mayor is not technically part of a consecutive four-year term. Instead, he pointed to a provision saying that, if an official is elected to back-to-back terms of any length, he can serve one additional term — as long as one of the two terms was less than 50% complete.

DeFillipo’s second consecutive term, from November 2018 to November 2020, “does not exceed 50% of the subject term,” Meyers wrote. North Miami Beach canceled its municipal election in May 2017 due to a charter change the year before and pushed it back to November 2018.

<https://www.miamiherald.com/news/local/community/miami-dade/north-miami/article240606161.html>