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### **Ethics Commission supplements guidelines on free event tickets**

As a follow up to guidelines it issued earlier this month for the official use of complimentary tickets by public officials, the Miami-Dade Commission on Ethics and Public Trust (COE) today adopted internal guidelines that clarify when a politician appears at a function in an “official capacity.” The list of recommended public purposes for attending ticketed events includes hosting dignitaries, visitors and certain residents or groups and performing actions related to the official’s position, such as introductions, presentations, ribbon cuttings and speech making.

The addendum to the guidelines also suggests how public officials should distribute tickets that are received through a contractual agreement with a private entity in order to avoid possible misuse of public resources and bolster confidence in the integrity of government. Distribution may be first-come, first-serve or by a lottery. The tickets could be sold, with the proceeds designated to a public purpose. They could be allocated to non-profit agencies, schools, children’s groups or community organizations. The tickets also could be used as rewards for citizens or employees making substantial contributions to the community or local government. The COE will continue to provide opinions to inquiring officials regarding whether other uses are ethically acceptable.

In a related matter, Ethics Commissioners found No Probable Cause to a complaint (**C 12-07**) that officials in the City of Miami violated County and City Ethics Ordinances by failing to report tickets they had received to events at the Knight Center, Bayfront Park and the Mayor’s Ball, but also approved the drafting of a general Letter of Instruction for future reference. That letter will cite the clarification of “public purpose” and emphasize that officials are not entitled to the use of public benefit tickets as a matter of right. Public officials will be reminded they have an obligation to report gifts (which include tickets to events) and that when an official receives two tickets for use with a spouse or partner, they must be disclosed as the total value of the gift.

In other action at today’s meeting, probable cause was found that a bus maintenance technician for the Miami-Dade Transit Department violated the “prohibition on outside employment” provision of the Conflict of Interest and Code of Ethics Ordinance. An investigation by the Inspector General’s Office had found that Niranjana Seepersaud also worked for American Coach Lines from March 2007 through June of 2010, but failed to obtain authorization for outside employment and did not file financial disclosure forms each year as required by the Code. After the case was turned over to the Ethics Commission, Seepersaud was told that if he complied with the filing requirement by the end of 2011, no action would be taken. He has failed to do so, and the complaint (**C 12-08**) will proceed.

Two complaints (**C 12-09 and C 12-13**) accusing Homestead Mayor Steven Bateman of misspending campaign funds at a liquor store were found “not legally sufficient.” The charges are based on state law, which is outside the Ethics Commission’s jurisdiction.

The same citizen accused Homestead Councilman Stephen Shelley of “exploitation of official position” by using a photo of himself on the city website for his business website. The city did pay for the original photograph. However, works of government are excluded from copyright protection, are considered in the public domain and can be used by anyone. For that reason, the complaint (**C 12-16**) was deemed “not legally sufficient.”

Seven complaints were filed against Homestead Councilwoman Judy Waldman relating to her re-election campaign last fall. Four of them (**C 12-17, C 12-18, C 12-19 and C 12-23**) were deemed “not legally sufficient” because they don’t violate any laws. Two complaints (**C 12-20 and C 12-21**) were found “not legally sufficient” because they allege violations of state election laws, which is outside of the jurisdiction of the COE. The final one (**C 12-22**) does not allege an action that violates the Ethics Code.

No Probable Cause was found to a complaint (**C 12-06**) accusing a Miami Lakes Council member of exploitation of official position. A resident of the city alleged that Richard Pulido demanded that, as a part of a municipal beautification project, trees be planted in front of his home first, and that he pressured the Town’s park staff to provide free use of public land to a flag football league. The investigation found no substance to the charges, and the complaint was dismissed.

A complaint (**C 12-03**) filed against a lobbyist, John Morse, who registered on behalf of Ascent Healthcare Solutions in September of 2010 but failed to file the required Lobbyist Expenditure Statement by the July 1, 2011, deadline, was dismissed after he completed the form. Investigators learned he had moved out of town and never received the notices, but once they called him and explained his obligations, he responded.

In light of cases like that, which consume investigative resources, the Ethics Commission discussed changing the rule requiring lobbyists to file annual expenditure reports if they spent no funds during the reporting period. A proposed amendment to the Code of Ethics will be forwarded to the County Commission for its consideration.

A liability claims adjuster with Miami-Dade County’s Risk Management division may provide consulting and inspection services for private clients, including some governmental entities, if he has permission from his supervisors. The COE response to **Request for Opinion 12-07** stated that Kenneth McCoy’s private clients cannot have interests adverse to the County or control or maintain property associated with the County. The RQO also recommends that, if granted permission, McCoy provide the names of his private clients to his supervisor.

*The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.*

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