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Ethics Commission approves guidelines regarding free event tickets for officials

After hearing comments by several speakers, the Miami-Dade Commission on Ethics and Public Trust (COE) today approved a report that includes guidelines local governments may adopt to change how politicians and public administrators distribute complimentary admission tickets to events at facilities within their jurisdiction. The report stemmed from a joint investigation last year by the Ethics Commission and the Public Corruption Unit of the Miami-Dade State Attorney's office, prompted by a dispute between the New World Symphony and the City of Miami Beach over allegations that city officials had demanded free tickets as a condition of their release of public funds for completion of the New World facility. While there was no violation of criminal law found, the probe exposed flawed policies that could result in unwarranted and inappropriate benefits for elected and appointed officials.

Representatives of Miami Beach told Ethics Commissioners that the situation was a departure from normal policies and objected to some of the wording in the COE report. Miami Beach City Attorney Jose Smith said officials will meet to discuss revising the practice. A survey of other municipalities uncovered similar practices. City of Miami officials receive tickets for events at the James L. Knight Center, Bayfront Park and the Sony Ericsson Tennis Tournament. Lease agreements with Homestead Miami Speedway and the Homestead Sports Complex require that skyboxes, parking passes and admission tickets be provided to that city's officials. When the Adrienne Arsht Center has "excess inventory," representatives ask County Commissioners to suggest charities to which they should be donated.

The Ethics Commission report concludes there is "no good reason why event tickets received by a municipality through a contractual 'public benefits' clause... should pass through the hands of elected officials," and recommends they be distributed to the public by an "objective, non-political mechanism," that would deny elected officials the "unfair advantage of utilizing these tickets as an extension of their self-promotional or campaign activities." It also notes that politicians often attend events in what they call an official capacity, but "mere, passive attendance" should not be considered as an "official function" and should be reported as a gift, under appropriate disclosure laws. Ethics Commission members instructed staff to delve deeper into that issue to develop criteria for determining when a public official is attending an event in connection with official duties.

"We hope that local governments will take these recommendations seriously and expeditiously implement changes in accordance with this report," said COE Executive Director Joseph Centorino, who promised the COE staff will closely examine ticket distributions and investigate any instance where it appears that "public benefits" are exploited.

Also today...

As part of the settlement Miami Mayor Tomas Regalado accepted after admitting that he filed incomplete and inaccurate financial disclosure forms in 2010 and 2011(**C 11-34**), the mayor paid a one thousand dollar fine, promised to

correct the forms and accept a of Letter of Instruction. The Ethics Commission approved the Letter today regarding Mayor Regalado that stated, as the city's leader, "He, of all people, should be especially diligent in filing correct and complete financial disclosure forms in a timely manner. He should set the tone of ethical and transparent behavior."

Another Letter of Instruction approved today is directed to officials in Palmetto Bay as a result of a complaint (**C 11-37**) against the village manager and two other administrators who negotiated with a potential vendor before a contract award was issued. The complaint was dismissed since it was determined that the negotiations were permitted by one portion of the town's Code of Ordinances, but violated the section that established a Cone of Silence on the process to select private contractors. The Ethics Commission strongly recommended that those ordinances be amended so they provide consistent and clear guidance to maintain the dignity of the procurement process.

A complaint (**C 12-01**) filed against a member of Miami's OAB/Overtown Community Oversight Board during 2009 who had not disclosed her finances as required by the Conflict of Interest and Code of Ethics Ordinance was dismissed after Andrea Copeland fulfilled the requirement today.

The Ethics Commission advised a North Miami City Council member to not vote or participate in any discussion involving developer Michael Swerdlow, who is negotiating a 100-year lease for the Biscayne Landing property, because of his recent contributions to her non-profit organization. Councilwoman Marie Steril is the executive director of The Family Corners, Inc., which provides charitable work in Miami-Dade County and in Haiti. Swerdlow recently contributed \$6,000 to the organization. Prior to receiving the response to **Request for Opinion 12-03**, Councilwoman Steril stated that she had returned the donation. Still, Ethics Commissioners strongly recommended the councilwoman abstain from the issue since the donation indirectly benefited her and could be viewed as influencing her vote. The opinion applies only to the unique circumstances involving a small organization receiving a benefit from a major developer close in time to a vote on a major project involving that developer.

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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