
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, October 01, 2015 12:15 PM
To: Sanchez, Rodzandra (COE)
Subject: Elizabeth Besade Perez, Director , External and Governmental Affairs, Barry University (Gifts) INQ 15-226
Attachments: INQ 15-222 Andino.pdf

[INQ 15-226 Besade Perez](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, October 01, 2015 12:13 PM
To: 'EBesade@barry.edu'
Cc: Centorino, Joseph (COE); Murawski, Michael P. (COE); Perez, Martha D. (COE)
Subject: Elizabeth Besade Perez, Director , External and Governmental Affairs, Barry University (Gifts) INQ 15-226

Dear Ms. Besade Perez:

It was a pleasure to speak with you over the phone this week. We discussed the issue of gifts under the County Ethics Code and State law. The following summarizes our conversations.

You have requested an opinion from the Ethics Commission regarding proffering complimentary tickets to County elected officials to attend Barry University's 50th Anniversary Gala (Gala). You advise that the value of the tickets is \$500.00.

Barry University, the prospective donor of the tickets, is the recipient of County funds through grant awards. The County grants are administered through agreements between the County and Barry University and they govern the use of County funds. These agreements thus constitute contracts between Miami-Dade County and Barry University.

To summarize, under the requirements of the County Ethics Code, County elected officials may accept the tickets if they are disclosed as gifts. However, there is an issue under State law that may prevent their acceptance by public officials in the County.

Gifts are governed under Section 2-11.1(e) of the County Ethics Code. Gifts which are accepted by County personnel in the nature of complimentary passes to a gala are not prohibited. Where the gift exceeds \$100, it must be reported pursuant to Section 2-11.1(e)(4). An exemption to the reporting requirement of the gift ordinance may occur if the tickets offered to a County official are for a "public purpose." *See* COE Ticket Policy Addendum. However, the County Ethics Commission has previously opined that the mere introduction of County officials in the context of this type of event would not qualify as serving a public purpose and would therefore not excuse the reporting requirement.

The larger problem however, would occur under Section 112.3148, Fla. Stat., which is under the jurisdiction of the State of Florida Commission on Ethics (FCOE) rather than the County Ethics Commission. This statute imposes significant prohibitions on the receipt of gifts by local officials required to file financial disclosures under State law. This would include the Mayor and County Commissioners. The provision prohibits acceptance by such officials of any gift in excess of \$100 from a County vendor, lobbyist, or from a political committee, unless the gift is for the County or for a charitable organization and the recipient does not maintain custody of the gift for a longer period of time than that necessary to transfer custody of it to its intended recipient.

The County Ethics Commission has discussed this matter with staff at the FCOE, which has the power to issue binding opinions concerning Chapter 112. While the staff informs that no binding opinion has been rendered by the FCOE on this section of Chapter 112, the staff offered informal advice cautioning against outright acceptance of such gifts. Given that Barry University accepts County funds, and that the County has an agreement with the University governing the expenditure of the funds, it is likely that Barry would fit the definition of a "vendor" under Fla. Stat. 112.3148 and would therefore be prohibited from proffering to County elected officials the gift of tickets to the 50th Anniversary Gala valued at \$500.00.

Attached please find INQ 15-222 which addresses this issue in detail. For a final interpretation of Fla. Stat. 112.3148 we refer you to the Florida Commission on Ethics.

Please contact us if you have further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

Tel: (305) 579-2594

Fax: (305) 579-0273

gdiazgr@miamidade.gov

www.facebook.com/MiamiDadeEthics

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From: Besade, Elizabeth M [<mailto:EBesade@barry.edu>]

Sent: Tuesday, September 29, 2015 3:49 PM

To: Diaz-Greco, Gilma M. (COE)

Subject: RE: Opinion Request

From what I have reviewed any contracts we have with the county only extend to grant awards.

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Barry University



Elizabeth Besade Perez Esq.

Director, External and Government Affairs

Government & External Affairs

Division of Institutional Advancement and External Affairs

Barry University

11300 NE 2nd Ave
Miami Shores, FL 33161
P: 305-899-4758 F: 305-899-2665
www.barry.edu

vCard

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From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Tuesday, September 29, 2015 3:35 PM
To: Besade, Elizabeth M
Cc: Centorino, Joseph (COE)
Subject: RE: Opinion Request

Can you confirm whether Barry University contracts with the County?

From: Besade, Elizabeth M [<mailto:EBesade@barry.edu>]
Sent: Tuesday, September 29, 2015 3:10 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Opinion Request

Thank you for your reply. We would like to extend invitations to Mayor Gimenez, Commissioner Edmonson and Chair Monestime.

Commissioner Edmonson and Chair Monestime represent the areas where Barry is located and/or owns property.

We would not be extending any invitations to Miami Shores. The mayor is an alum and has purchased a ticket for the event.

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Barry University



Elizabeth Besade Perez Esq.
Director, External and Government Affairs

Government & External Affairs
Division of Institutional Advancement and External Affairs
Barry University
11300 NE 2nd Ave
Miami Shores, FL 33161
P: 305-899-4758 F: 305-899-2665



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From: Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]
Sent: Tuesday, September 29, 2015 2:50 PM
To: Besade, Elizabeth M
Cc: Centorino, Joseph (COE)
Subject: RE: Opinion Request

Ms. Besade:

Please advise which County officials would be invited as well as any Municipal officials that would be invited. In addition, we would need to know if Barry University contracts with any of the governmental units involved.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
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From: Besade, Elizabeth M [<mailto:EBesade@barry.edu>]
Sent: Tuesday, September 29, 2015 2:15 PM
To: Diaz-Greco, Gilma M. (COE); Ethics (COE)
Subject: Opinion Request

Good afternoon Ms. Diaz-Greco,

Thank you for taking the time to speak with me earlier. In reference to my request, Barry University is seeking to provide complimentary seat(s) at our 75th Birthday Bash celebration on Saturday, October

3, 2015 to those elected officials who will be presenting documents of recognition (e.g. resolutions, proclamations, etc.) in light of our anniversary.

To further detail our request. Barry University will be hosting its Birthday Bash in celebration of 75 years of educational service to the community. The function will be gala format located at the SOHO studios (2136 NW 1st Avenue) beginning at 7:00pm. The Birthday Bash is open to the public with the purchase of a ticket, at a cost of \$500.00 per individual. Barry University seeks to provide complimentary admission to elected officials who will be presenting documents of recognition, in his/her official capacity, to honor Barry for its long-standing and dedicated service.

Thank you for your consideration in this matter.

Barry University



Elizabeth Besade Perez, Esq.

Director, External and Government Affairs

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