
INQ 15-287

From: Perez, Martha D. (COE)
Sent: Wednesday, December 23, 2015 12:10 PM
To: 'mshaber@miamigov.com'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Matthew Haber, Assistant City Attorney, City of Miami (Gifts) INQ 15-287

Dear Matthew,

This will confirm our telephone conversation regarding possible ethical issues in connection with complimentary tickets for City officials to attend "Pitbull's New Year Revolution 2016" to be held at Bayfront Park on December 31st. This event is a production of Endemol Shine Group, Pitbull's production company and Fox Entertainment and co-hosted by the City of Miami. Entrance to the event is free, however, there is a Worldwide Food & Wine Event Party being held on the premises at a cost of \$99/person and VIP tickets to the event at a cost of \$500/person. Under the terms of the User Agreement with the City, the promoter is permitted to distribute 1,000 complimentary tickets. The agreement also entitles the Trust board members with access to the premises on the day of the event. The Bayfront Park Management Trust is a city board created by the City Commission to manage Bayfront Park and Museum Park. It is comprised of nine members led by Commissioner Carollo.

Pursuant to the policy adopted by the Commission on Ethics regarding ticket acceptance- "Guidelines and Recommendations Regarding 'Public Benefit' Clauses in Certain Government Contracts: Public Purpose" and "Addendum" thereto- the Commission has set forth criteria for determining whether the receipt of a complimentary ticket by a City official is sufficiently connected to the official's duties to be considered a *public purpose*. The "Addendum" (which you have indicated you have a copy of) provides a non-exclusive list of examples of permissible *public purposes*. Based on the information that you provided, it would appear that the presence of the members of the Trust and Commissioner Carollo's is not only required per the agreement but serves a public purpose, ie., the oversight and monitoring of the co-hosted event. Some judgment and discretion should be followed by other City officials in determining whether their respective duties and responsibilities in this event fall under the "public purpose" exception.

The County Ethics Code at Section 2-11.1(e) does not prohibit gifts, which are accepted by City officials in the nature of complimentary tickets to an event , however, the gift must be reported if valued over \$100, *unless* the City official is involved in a ceremonial or official activity at the event. If there is doubt about whether a City official is performing an official role or not, the official should err on the side of reporting the ticket. In any event, complimentary tickets should not be given to the City official's family or friends.

Although not within the jurisdiction of the County's Ethics Commission, please be aware that Section 112.3148 (4), Fla. Stat., imposes more stringent restrictions on the receipt of gifts by any local official who is required to file financial disclosure under State law. This section prohibits, in part, the acceptance of gifts ,in excess of \$100, by such officials from a City lobbyist, *vendor* or political committee, unless the gift is for the City or a charitable organization. I refer you to the Florida Ethics Commission for any questions or concerns regarding the prohibition under State law.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Happy Holidays!

Martha D. Perez

Staff Attorney

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