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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Michael P. Murawski, Advocate
From: Manuel W. Diaz, Investigator
Date: June 17, 2012
Re: K12-100 - Distribution of Marlin Baseball Tickets

With reference to the assignment, I contacted Christopher Agrippa, Division Chief, Clerk of the Board.

He provided a copy of a March 28, 2012, memorandum from MDC Mayor Carlos Gimenez to BCC Chair Joe Martinez and members of the BCC. The memorandum describes the BCC guidelines to be followed when distributing Marlins tickets for regular season games.

According to Agrippa, his office was directed to coordinate the distribution of tickets in accordance with the Mayor's memorandum. Agrippa's office receives requests from the members of the BCC identifying those organizations authorized by respective commissioners to pick up the Marlins tickets. Agrippa's office does not audit the use of the tickets. That responsibility, according to Agrippa, is left to the respective Commissioners.

The video of the BCC meeting of March 20, 2012, was reviewed. At the meeting, a resolution was passed which sought to address the distribution of the 2012 season Marlins tickets. The motion directed the Mayor to prepare guidelines for ticket distribution, which followed the guidelines set forth in the COE March 1, 2012, report dealing with the distribution of complimentary tickets by public officials (the COE report).

The motion instructed the Mayor to conduct a public lottery for the equitable distribution of tickets to the members of the BCC. The motion included that an exempt employee designated by the Parks Department be assigned to attend the Marlins games to protect the interests of MDC, i.e. to make sure there was no damage to the stadium. The discretion of which organizations were to receive the tickets was left up to individual Commissioners. Commissioner Jose "Pepe" Diaz added that any records identifying the ultimate ticket recipient would be the responsibility of the organizations receiving the tickets, not the BCC or MDC.

The resolution was passed as a temporary measure until a permanent policy is agreed upon by the BCC.

The Mayor's memorandum was reviewed. It makes no mention of the distribution of Marlins tickets to organizations affiliated with members of the BCC, i.e. where a Commissioner is an officer, director or employee of the non-profit organization. In the absence of any such direction, BCC members are free to distribute tickets to organizations which they determine as "deserving" within their respective districts even if the Commissioners themselves are either an officer, director, Board member or employee of the non-profit.

Since the resolution was identified as temporary, it might be appropriate to contact the Mayor's office and recommend changes which will bring the ticket distribution process further into compliance with the spirit and letter of the COE report.

Specifically, in order to remove the appearance of any impropriety and insure a fair and equitable distribution of the tickets that does not inure directly or indirectly to the benefit of elected officials, neither the Mayor nor any County Commissioner should be able to direct or submit for possible receipt of tickets any organization of which that individual or any member of their immediate family (as that term is defined in 2-11.1(b)(9) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance) is an officer, director, board member, manager or employee.