

**Meyers, Robert (COE)**

JNB

07-62

**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, April 24, 2007 9:44 AM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

I received a phone call from Javier Marquez, chief of staff to County Commissioner Joe Martinez, and he wanted to know whether the commissioner could donate \$2500 to support the Christopher Columbus High Fishing Tournament, ultimately to benefit the school and its foundation, which is a 501(c)(3) non-profit. These funds would come from his district discretionary funds, and the \$2500 contribution entitles the donor to four slots in the fishing tournament. The commissioner will select four students to fish in the tournament, with the overall winners receiving prizes. Mr. Marquez also asked whether an appearance by the school in front of the BCC for a variance creates a conflict for Commissioner Martinez because of this donation to the school.

I advised Mr. Marquez that the \$2500 donation to Christopher Columbus does not violate any of the provisions of the Ethics Code. Since Commissioner Martinez is not actually fishing in the tournament and he is giving others the opportunity to participate in the tournament with his \$2500 donation, the gift rules would not apply in the event one of students who fishes as part of the Martinez contribution wins a prize.

A contribution to the school from Commissioner Martinez' discretionary funds does not create a voting conflict if Christopher Columbus were to appear before the BCC. Neither an enumerated relationship exists nor is Commissioner Martinez uniquely benefited by this appearance. The logic is similar to a campaign contributor who has an item in the front of the board that consists of individuals who received contributions from this party. The law permits the party to appear and the recipient of the contribution to participate. This case is actually the reverse, as the contribution flows from the elected official to the party, but the same rationale applies.