

**Meyers, Robert (COE)**

INQ 09-155

**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, September 08, 2009 4:33 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

I received a telephone call from Jean Olin, Special Legal Counsel, City of Miami Beach during the week of August 31<sup>st</sup> and she wanted to know whether City Commissioner Jerry Libbin could solicit funds to benefit the VFW. The VFW is a 501(c)(3) non-profit organization and plans on holding a parade on Miami Beach on November 11<sup>th</sup> – Veteran's Day. In order to improve attendance, Commission Libbin offered to pay for lunches of students who attend the parade based on a promise he made at a school event. He wanted to broaden his appeal and communicate with other possible underwriters to support the parade. Ms. Olin asked whether he could solicit in his official capacity for the Veteran's Day parade and whether these solicitations would amount to gifts that Commissioner Libbin would have to report.

I advised Ms. Olin that elected officials have the authority to solicit on behalf of non-profit organizations provided there is no benefit to the official or the official's staff. Since the solicited funds would be utilized exclusively by the VFW, Commissioner Libbin could solicit in his official capacity for the parade. Secondly, the solicited funds that are raised for the VFW are not for the commissioner's benefit. Therefore, he has no gift to report.

Robert Meyers  
9/8/09