

Meyers, Robert (COE)

JNQ 10-05

From: Meyers, Robert (COE)
Sent: Monday, January 11, 2010 11:02 AM
To: 'David M. Wolpin'
Subject: RE: Advertising in Weston- Kabbalah

Hi David:

I actually live in Weston and I saw the ad on television over the weekend. Section 2-11.1(e)(2)(g) is the most relevant and states that elected officials in Miami-Dade County who are bound by the County's Conflict of Interest and Code of Ethics Ordinance are permitted to solicit on behalf of 501(c)(3) organizations for use solely by that organization where neither the staff nor the elected official receives an compensation as a result of the solicitation. There are several questions to address: (1) Is the commercial in which Commissioner Auerbach appears a form of solicitation? 2) Is the Kabbalah organization a 501(c)(3) non profit organization? and 3) Does the Commissioner stand to profit from the solicitation?

I conclude that the commercial is a form of solicitation that is permissible by the abovementioned section. As long as the Kabbalah organization is a 501(c)(3) non-profit and he will not be compensated by virtue of the solicitation, he may continue to appear in the commercials on behalf of the Kabbalah organization to publicize the event in Weston. If Kabbalah is not incorporated as a 501(c)(3) or if he stands to profit from the presentation, then the Commissioner Auerbach should refrain from using his title in the commercial.

Finally, I would agree that the ad should be revised to clarify his status as an Aventura Commissioner. There is no need to delete the commissioner reference all together.

Please contact me at your convenience should you wish to discuss.

Thanks,

Robert

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Friday, January 08, 2010 2:29 PM
To: Meyers, Robert (COE)
Cc: David M. Wolpin
Subject: RE: Advertising in Weston- Kabbalah

Hi Robert- I just sent it to you.

The religious movement that Zev belongs to is physically located in Miami - Dade County, but is apparently going to the Weston area for a presentation.

He may likely remove the objection stated below by revising the ad to clarify that he is a commissioner in Aventura, not Weston, but if you advise that he delete the commissioner reference, I am confident that he will do so.

Thanks .

David M. Wolpin, Esq.
 Member

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 HELFMAN

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

1/11/2010

200 East Broward Blvd., Suite 1900

Fort Lauderdale, FL 33301
www.wsh-law.com
Tel: (954) 763-4242
Fax: (954) 764-7770

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From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]
Sent: Thursday, January 07, 2010 4:18 PM
To: David M. Wolpin
Subject: RE: Advertising in Weston- Kabbalah

David:

Would it be possible for you to send me the advertisement?

Thanks,

Robert

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Thursday, January 07, 2010 3:26 PM
To: Meyers, Robert (COE)
Cc: David M. Wolpin
Subject: FW: Advertising in Weston- Kabbalah

Hi Robert – As shown below, Aventura Commissioner Zev Auerbach has advised me that he just received an objection related to an advertisement that he routinely does for the non-profit, religious organization known as the Kabbalah of Weston. Please advise as to whether or not you would recommend that Mr. Auerbach delete the use of any statement that identifies him as a City Commissioner, if you find that is necessary in order for him to maintain compliance with the Miami-Dade County Ethics Code. It is our understanding that he does not receive any compensation from the Kabbalah organization.
Thank you.

David M. Wolpin, Esq.
Member

1/11/2010

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
200 East Broward Blvd., Suite 1900
Fort Lauderdale, FL 33301
www.wsh-law.com
Tel: (954) 763-4242
Fax: (954) 764-7770



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From: Eric Hersh [mailto:EHersh@westonfl.org]
Sent: Wed 1/6/2010 8:40 PM
To: zauerbach
Cc: Eric M. Soroka
Subject: Advertising in Weston- Kabbalah

Commissioner Auerbach;

I have received calls and complaints about an advertisement on Weston's cable television that you are airing on behalf of Kabbalah of Weston.

The ad says "You might know me as a City Commissioner..."

First, it is unethical to use your position as a City Commissioner to further any personal or business interests, when it clearly has nothing to do with you as a City Official.

Further, this is more misleading as you imply that you are a Commissioner in Weston, since it is for a Weston organization, and the ads are being run in Weston. You do not disclose that your position is in Aventura, not Weston.

Regardless of the worthiness of your organization, this is clearly unethical, and some are being misled that our city commission somehow endorses your organization.

I would request that you immediately change your advertising, and take out the misleading language about you being a commissioner.

Sincerely.

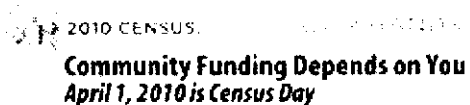
1/11/2010

Eric Hersh



Eric Hersh
Mayor
EHersh@westonfl.org

THE CITY OF WESTON
17200 Royal Palm Blvd.
Weston, Florida 33326
P: (954) 385-2000
F: (954) 385-2010
<http://www.westonfl.org>



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