

Cedeno, Rachele (COE)

INQ 12-41

From: Centorino, Joseph (COE)
Sent: Friday, March 09, 2012 3:27 PM
To: Cedeno, Rachele (COE)
Subject: FW: Miami-Dade County Fair

Please replace the last email I sent with this one. The INQ is directed to Lisa Martinez, Office of Miami-Dade County Mayor Carlos Gimenez. Thanks.

From: Centorino, Joseph (COE)
Sent: Friday, March 09, 2012 3:25 PM
To: Martinez, Lisa M. (Office of the Mayor)
Cc: Cuevas, Jr. R.A. (CAO)
Subject: FW: Miami-Dade County Fair

Ms. Martinez,

This opinion is sent in response to your question regarding tickets and parking passes that are being provided to the Mayor, County Commissioners and staff members by the Miami-Dade County Fair. I am providing this informal opinion in order to give some guidance to the individuals who may be receiving them during the next few days. It should be noted that I am providing only my personal opinion; that I cannot speak on behalf of the Ethics Commission; and that I cannot say with certainty whether the Commission will agree with this opinion. It is my understanding that these tickets and/or passes are being provided gratuitously by the Fair, which is itself a separate legal entity from the county. It is also my understanding that, although the Fair itself is a county contractor and holds a 99-year lease for its use of county property, there is no requirement under the existing lease or under any other existing agreement with the county that these complimentary ticket and/or passes be provided.

Since these items are not being provided to the county pursuant to any contract or other form of legally enforceable requirement, and because they are being directed to specific individuals, they are not county property and are properly classified as gifts to the recipients. They may be accepted and used in the discretion of the recipients. However, if the collective value of the tickets and/or passes accepted by any elected official or staff member should exceed \$100, regardless of whether they are actually used by the recipient and regardless of the identity of the persons or entities that ultimately receive and use them, that elected official or staff member must report them as gifts pursuant to Section 2-11.1(e) of the Miami-Dade County Code of Ethics.

I hope that this clarifies the situation for the present. I will be seeking further clarification from the Commission on Ethics at its next scheduled meeting on March 27.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594

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Fax: (305) 579-0273
www.miamidadeethcs.com



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