

---

**Subject:** INQ 14-155- Victoria Mendez, City Attorney, City of Miami - Ethics Opinion (Gift Disclosure)

INQ 14-155

---

**From:** Centorino, Joseph (COE)  
**Sent:** Monday, June 23, 2014 4:13 PM  
**To:** 'Mendez, Victoria'  
**Cc:** Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE)  
**Subject:** INQ - Victoria Mendez, City Attorney, City of Miami (Gift Disclosure)

Ms. Mendez:

You have inquired on behalf of City of Miami Commissioners regarding whether they must disclose as gifts their attendance at Emerge American Tech Week events held in the city. The Tech Week event was supported in part by the City, which provided \$55,000 in city funds in support of the event, which consisted of technology hub presentations geared toward making Miami more tech savvy and generating business in IT. The City sponsored the event in order to encourage a silicon valley type of emergence in Miami as the gateway to the Americas. The entry fee to the event was in excess of \$100. The City also supported this effort through adoption of an official resolution, in which it openly promoted the public benefits of the event and encouraged events to be held within the City.

It is my opinion that the officials attending this event do not need to disclose their attendance as a gift pursuant to Section 2-11.1(e)(4) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance. The fact that the City solicited and encouraged the events to occur in Miami, and provided official support, including funding, for the events, and that they attended the events in connection with their duties and official positions in the City for a demonstrable public benefit, brings these matters within the ambit of Section 2-11.1(e)(2)(f) as benefits solicited in performance of their official duties in connection with the City's official business. Therefore, their attendance at the event would not be considered a gift under Section 2-11.1(e) of the Code and need not be disclosed pursuant to Section 2-11.1(e)(4).

Sincerely,

Joseph M. Centorino  
Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust

---

**From:** Mendez, Victoria [<mailto:VMendez@miamigov.com>]  
**Sent:** Thursday, June 19, 2014 6:00 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Wysong, George; Min, Barnaby; Ramos, Miriam S. (COE); Murawski, Michael P. (COE)  
**Subject:** Fwd: eMerge Americas TechWeek attendance when City donated funds

Hi. Sorry I took so long in responding. Please see answers to your questions.

about this event, including the nature of the presentations- technology hub presentations; making miami more tech savvy; how to generate business in IT; etc.

the purpose of the city support funds. The City donated funds to encourage more of a silicone valley type emergence in Miami as the gateway to the Americas; an IT emergence

the amount of the entry fee. The fee was over \$100 but under \$200

what the elected official did at the event. Attend, listen, learn as a City official who sponsored/voted to bring new technology to Miami.

Hope this answers the questions. Thanks as always.

Begin forwarded message:

**From:** "Centorino, Joseph (COE)" <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Date:** May 22, 2014 at 3:05:54 PM EDT  
**To:** "'Mendez, Victoria'" <[VMendez@miamigov.com](mailto:VMendez@miamigov.com)>  
**Subject:** FW: eMerge Americas TechWeek attendance when City donated funds

Hi Victoria,

I would like to get a little more information about this event, including the nature of the presentations, the purpose of the city support funds, the amount of the entry fee, what the elected official did at the event, etc. If there is someone who can help fill me in, please have that person call me. Thanks.  
Joe Centorino

---

**From:** Mendez, Victoria [<mailto:VMendez@miamigov.com>]  
**Sent:** Thursday, May 15, 2014 8:34 PM  
**To:** Centorino, Joseph (COE); Murawski, Michael P. (COE); Ramos, Miriam S. (COE)  
**Cc:** Min, Barnaby; Wysong, George  
**Subject:** eMerge Americas TechWeek attendance when City donated funds

Mr. Centorino,

I would like to request an opinion on the following question and the attached resolution:

Is an elected official required to declare as a gift his attendance at a conference when the City of Miami has donated funds to the event organizer? Specifically, the City of Miami donated \$55,000 to the eMerge Americas TechWeek organizer. Of that \$55,000 each elected official donated an amount from their Commission District Special Event Funds account. The money was donated to, among other things, encourage future Emerge Americas Tech Week events to be held within the City and to have a presence at Emerge Americas Tech Week to explain the City's role in economic development as well as the programs and assistance that the City can provide to new businesses and emerging innovation. (See attached Resolution)

The elected official asked if he can attend courses and special events of the conference and is seeking advice as to whether the attendance should be reported as a gift.

If I were to respond to such an inquiry I would opine that the elected official does not have to declare his attendance at the conference as a gift because the City's payment of \$55,000 to the event served as a sponsor for such attendance. The elected official's attendance was ostensibly paid by the City and a public purpose for the attendance at the conference, i.e. to promote the City of Miami, exists. Further, the elected official provided consideration back to the City by his attendance in his official capacity at the event. For those reasons, I would opine that it is not a gift to the elected official.

Thank you, as always.

**Victoria Méndez, City Attorney**



Board Certified, City, County and  
Local Government  
City of Miami Office of the City Attorney  
Telephone: 305-416-1832  
Facsimile: 305-416-1801  
[victoriamendez@miamigov.com](mailto:victoriamendez@miamigov.com)

**Assistant: Rosa Gomez (305) 416-1825**

**Disclaimer:** This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another person or party, that action could constitute a waiver of the attorney-client privilege. If the reader of this message is **not** the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited by the sender and to do so might constitute a violation of the Electronic Communications Privacy Act, 18 U.S.C. section 2510-2521. If this communication was received in error we apologize for the intrusion. Please notify us by reply e-mail and delete the original message. Nothing in this e-mail message shall, in and of itself, create an attorney-client relationship with the sender.

Please consider the environment before printing this e-mail.

