
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, November 12, 2014 3:38 PM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Attorney, Weiss Serota and Helfman (Exploitation, Gifts) INQ 14-272

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From: Centorino, Joseph (COE)
Sent: Wednesday, November 12, 2014 12:01 PM
To: RMeyers@wsh-law.com
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Robert Meyers, Attorney, Weiss Serota and Helfman (Exploitation, Gifts)

Robert,

You have inquired regarding an action being contemplated by the Village of Bal Harbour, a client of your firm. The Village Council is contemplating whether it will give Village-owned I-Pads, provided to Council members for their use as Village officials, to individual Village Council members upon their leaving office. It is my understanding that the I-Pads in question are Village property and, while not the latest technology, do have a value that could possibly exceed \$100.

I do not see an ethical violation here provided that the awarding of such property is done openly by the Village Council in a public meeting. Given that they are public resources, the donation of such property would need to be in accordance with Village procedures for the transfer of public property and for a defensible public purpose to avoid a violation of Section 2-11.1(g) (Exploitation of Official Position). Making this decision by resolution or other official action at a publicly-advertised Village Council meeting in accordance regular Village procedures, and in recognition of the service of those who have held public office, would, in my opinion, provide a sufficient public purpose to avoid an ethics violation. However, if this is transfer is not being made pursuant to an existing underlying contract, agreement or understanding concerning the compensation of elected officials in Bal Harbour, then their acceptance of this property from the Village would constitute a gift pursuant to Section 2-11.1(e)(1) of the Code and, if the value of the property exceeds \$100, a gift that must be disclosed pursuant to Section 2-11.1(e)(4) of the Code.

Joseph M. Centorino

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