
From: Centorino, Joseph (COE)
Sent: Friday, March 28, 2014 4:05 PM
To: 'Richard Chervony'
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Richard Chervony, Commissioner, North Bay Village (Gifts)
Attachments: finalticketpolicy.doc; ticketpolicyaddendum.pdf

Commissioner Chervony:

You have inquired concerning the ethical propriety under Section 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics for an elected official to receive tickets paid for by the Village to a Miami-Dade League of Cities function for both the Commissioner and his/her spouse, and the necessity of disclosing such gifts on the Quarterly Gift Disclosure form, as required by Section 2-11.1(e)(4) of the Code.

First, any expenditure of public funds by the Village or any other governmental entity should be for a legitimate public purpose, otherwise, it could amount to Exploitation of Official Position under Section 2-11.1(g) of the Code. Under the circumstances cited by you, it is unquestionable that the expenditure of public funds for the attendance of an elected official at such a function does serve a legitimate public purpose. While the expenditure of funds for a non-elected official who is the spouse or companion of the elected official could be questioned, the legitimacy of the expenditure would need to be justified by the Village in terms of a public purpose served by the expenditure. For instance, if the Village feels it is advantageous for the Village to have its elected officials socialize with other public officials along with their spouses, this could suffice for a public purpose, depending on the nature of the event. However, I cannot opine definitively on this issue without knowing more about the event in question and the asserted public purpose.

With regard to the disclosure of such benefits, the ticket paid by the Village for the elected official does not need to be disclosed because it involves the official representing the Village in his or her official capacity. However, the paid ticket for the spouse of the elected official should be disclosed by the elected official as a gift to the elected official if the value of the ticket exceeds \$100, pursuant to Section 2-11.1(e)(4). For further explanation, you may refer to the attached ticket policy and addendum thereto which was adopted by the Commission on Ethics in 2011.

Sincerely,

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

From: Richard Chervony [<mailto:rchervony@nbvillage.com>]
Sent: Friday, March 28, 2014 11:34 AM
To: Centorino, Joseph (COE)
Subject: RE: Question Please

The City or Village with taxpayer's money!

Richard Chervony
North Bay Island Commissioner
rchervony@nbvillage.com
(c) 786-999-3732

"WHERE'S THE PRIDE?"

-----Original Message-----

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Fri 3/28/2014 10:56 AM
To: Richard Chervony
Subject: RE: Question Please

Who is paying for the date?

From: Richard Chervony [<mailto:rchervony@nbvillage.com>]
Sent: Friday, March 28, 2014 10:26 AM
To: Centorino, Joseph (COE)
Subject: Question Please

Mr. Centorino,

Good morning. I am inquiring about the legality or the ethical acceptance of a Commissioner or Elected Official bringing a date (whether it is a spouse or just significant other) to a paid function such as a Gala Dinner of Miami Dade League of Cities or their Monthly Board of Director's Dinner Meeting without reporting it on their Quarterly Financial Report.

It is my understanding that the Budgeted Amount is for the use of the Commissioner or the Elected Official in representing their City and not for their guest?

Thank you for your advice as always,

Richard Chervony
North Bay Island Commissioner
rchervony@nbvillage.com<<mailto:rchervony@nbvillage.com>>
(c) 786-999-3732

"WHERE'S THE PRIDE?"

[\[cid:image001.jpg@01CF4A74.6226B780\]](#)

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Thank you! - North Bay Village.

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