

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, September 30, 2015 9:35 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Cire Andino, Intergovernmental Affairs Coordinator, Miami-Dade County Parks, Recreation and Open Spaces (Gifts) INQ 15-222

FW: INQ 15-222 Andino

---

**From:** Ethics (COE)  
**Sent:** Tuesday, September 29, 2015 4:43 PM  
**To:** Andino, Cire R. (MDPR)  
**Cc:** Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE); Sanchez, Gerald (CAO)  
**Subject:** INQ 15-222 Cire Andino, Intergovernmental Affairs Coordinator, Miami-Dade County Parks, Recreation and Open Spaces (Gifts)

Ms. Andino,

I have reviewed your request for an opinion concerning the proffered complimentary tickets to be offered to Miami-Dade County Commissioners and Department Directors. The donor of the tickets is the YMCA, which is celebrating its 100<sup>th</sup> anniversary gala and honoring Miami-Dade County. The YMCA is the recipient of County funds and, therefore, has a contract with Miami-Dade County. The tickets are being offered at \$1000 for two tickets. While the tickets may be accepted if disclosed under Miami-Dade County Ethics Code requirements, there is a serious issue under State law that may prevent their acceptance by public officials in the County.

Gifts are governed under County Ordinance by Section 2-11.1(e) of the County Ethics Code. Gifts which are accepted by County personnel in the nature of complimentary passes to a gala are not prohibited, though where the gift is in excess of \$100 it must be reported under Section 2-11.1(e)(4). I do not find that the mere introduction of the County officials in the context of this event would qualify this as serving a county purpose, thereby excusing the reporting requirement.

The larger problem however, occurs under Section 112.3148, Florida Statutes, which is not under the County Ethics Commission's jurisdiction, but rather under the jurisdiction of the State of Florida Commission on Ethics. That provision imposes significant prohibitions on the receipt by any local official who is required to file financial disclosure under State law. This would include the Mayor and County Commissioners, as well as other specified officials, including those having the discretion to approve purchases over \$20,000. The provision prohibits acceptance by such officials of any gift in excess of \$100 from a County lobbyist or vendor or from a political committee, unless the gift is for the County or for a charitable organization and the recipient does not maintain custody of the gift for a longer period of time than that necessary to transfer custody of it to its intended recipient.

I discussed this section at length with the General Counsel for the Florida Commission on Ethics, which has the power to issue binding opinions concerning Chapter 112. While he offered only informal advice and acknowledged that there has been no binding opinion rendered on the section in question, which has only been law for a couple of years, he cautioned against outright acceptance of such gifts. He noted that the YMCA would appear to fit the definition of a "vendor" under Section 112.3148, since it accepts County funds and the County has an agreement with it governing the expenditure of the funds. He did say that since the YMCA would likely qualify as a charitable organization, and that a portion of the value of each ticket is likely to go to charitable purposes, the amount of the value of the gift could be reduced by that portion of each ticket that could be attributed to charity rather than the actual cost of each person admitted to the event. Therefore, if a County official accepted only one ticket, and the YMCA could show that \$400 of the \$500 for each paid ticket would go to the charity, then the ticket could be accepted. However, if an official accepted

two tickets, the face value of which is \$1000, then the entire amount of the second ticket would also be attributed to that official, and it would have to be shown that \$900 of the \$1000 would go to charity in order for the official to accept the ticket. Alternatively, if an official wanted to attend an event for which the ticket value exceeded \$100, the official could do so provided that the official paid for the difference between \$100 and the value of the ticket, after being discounted for the charitable contribution.

In the event that an official would like a formal opinion on this issue, such an opinion may be requested from the Florida Commission on Ethics.

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  
Fax: (305) 579-0273  
[ethics.miamidade.gov](http://ethics.miamidade.gov)



---

**From:** Andino, Cire R. (MDPR)  
**Sent:** Monday, September 21, 2015 7:16 AM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** RE: Question

See below and attached.

### *Cire Andino*

Intergovernmental Affairs Coordinator  
Miami-Dade County Parks, Recreation and Open Spaces  
Office: 305-755-7835 Cell: 786-256-0378  
[www.miamidade.gov](http://www.miamidade.gov)

*"Delivering Excellence Every Day"*

*Every great community has a great parks system*

 *Save a tree. Don't print this e-mail unless it's really necessary.*

---

**From:** Sue Loyzelle [<mailto:sloyzelle@YMCASouthFlorida.org>]  
**Sent:** Sunday, September 20, 2015 10:05 PM  
**To:** Andino, Cire R. (MDPR)  
**Subject:** YMCA Event Info as Requested

Hi Cire:

Thank you so much for your assistance with the upcoming YMCA Gala.

I have attached information for you to share with Joe as you see fit.

1. YMCA Gala Overview
2. YMCA Gala Save the Date
3. YMCA Gala Sponsor Package

Please let me know if you need anything further.

Thanks so much for your assistance, Susi

**Sue Loyzelle**  
**Director of Government Relations**  
**YMCA of South Florida**  
305-338-6318  
[sloyzelle@ymcasouthflorida.org](mailto:sloyzelle@ymcasouthflorida.org)

**Broward Office:**  
900 SE 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Floor  
Ft. Lauderdale, FL 33316

**Miami Office:**  
730 NW 107<sup>th</sup> Avenue, Suite 200A  
Miami, FL 33172

The Y – For Youth Development, Healthy Living and Social Responsibility

---

**From:** Ethics (COE)  
**Sent:** Tuesday, September 15, 2015 10:49 AM  
**To:** Andino, Cire R. (MDPR)  
**Subject:** RE: Question

Ms. Andino:

This may be an event sufficiently related to public office that different considerations apply, but I would like a little more information, if possible, before giving an opinion. Is there something in writing, e.g., an invitation, program or description of the event, or at least a contact person at the Y who could fill us in?

Joe Centorino

---

**From:** Andino, Cire R. (MDPR)  
**Sent:** Monday, September 14, 2015 2:19 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Question

Joe, hope you are doing well..

We got a call from the YMCA, who are going to be honoring “Miami-Dade County” at their annual Gala this year. They would like to extend an invitation to all the elected officials as well as a few non-elected officials (Directors).

They would like to know if Miami-Dade County is being honored, and they are the representatives is it consider a gift?

YMCA, does receive funding from the County (CBO – Grant) as well as they also have an agreement with the Parks Dept. to run the North YMCA in County property. The tickets to the event will be more than \$100.

I look forward to your response.

*Cire Andino*

Intergovernmental Affairs Coordinator  
Miami-Dade County Parks, Recreation and Open Spaces  
Office: 305-755-7835 Cell: 786-256-0378

[www.miamidade.gov](http://www.miamidade.gov)

**“Delivering Excellence Every Day”**

*Every great community has a great parks system*

 *Save a tree. Don't print this e-mail unless it's really necessary.*