
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, October 30, 2015 3:52 PM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Esq., Weiss Serota Helfman Coleman Bierman Popok (Gifts/Tickets) INQ 15-242
Attachments: finalticketpolicy.doc; ticketpolicyaddendum.pdf

[INQ 15-242 Meyers](#)

From: Centorino, Joseph (COE)
Sent: Thursday, October 29, 2015 2:05 PM
To: 'Robert Meyers'
Cc: Murawski, Michael P. (COE); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: INQ 15-242 Robert Meyers, Esq., Weiss Serota Helfman Coleman Bierman Popok (Gifts/Tickets)

Robert:

This will confirm our recent conversation in which you inquired regarding the distribution and use of tickets for an event at the Homestead Race Track, provided to the City of Homestead pursuant to a written contract between the City and the Race Track. Based on the tickets provided to the City, five(5) tickets have been allocated to each member of the Homestead City Commission for distribution. You asked for clarification regarding permissible uses of these tickets by the Commissioners, specifically, personal use by the Commissioners, and how such tickets should otherwise be distributed, including whether they may be distributed to “significant others” or family members. It is not known at this point whether the fair market value of a ticket exceeds \$100.

I indicated that, in view of the fact that these tickets are provided to the City as consideration under an existing contract between the City and a private entity, the ownership of these tickets is in the City of Homestead. The tickets are public property. Their distribution and use should, therefore, be in accordance with the “Guidelines and recommendations regarding ‘public benefit’ clauses in certain government contracts” and the addendum thereto, both of which are attached as approved by the Miami-Dade Commission on Ethics and Public Trust.

In accordance with those policies, if a ticket is to be used by an elected official who is participating in the event in his or her official capacity through some ceremonial or other official activity at the event, then the ticket would not be considered a gift and need not be reported under Section 2-11.1(e) of the County Ethics Code. If, however, an elected official is deemed to be attending the event only as a spectator, although the attendance at such a public event held partly under City auspices would arguably be consistent with his or her official duties, then the receipt of such a ticket would have to be reported as a gift from the City if the fair market value of the ticket can be fairly estimated as exceeding \$100.

The distribution of the complimentary tickets should be justifiable as appropriate disposition of public property, and a record of the disposition should be maintained as a public record. It would be inappropriate for a significant other or family member to be given such property, unless the receiving individual compensates the City of Homestead for the fair market value of the ticket. Any other distribution of the tickets should be defensible as appropriate in the public interest. As you will note from the guidelines cited above, however, the Ethics Commission has recommended that elected officials be entirely removed from the process involving the distribution of complimentary tickets.

This opinion does not interpret or reflect the requirements of Chapter 112, Florida Statutes.

Sincerely,
Joe

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



From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 05, 2015 2:03 PM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Esq., Weiss Serota Helfman Coleman Bierman Popok (Gifts/Tickets) INQ 15-242
Attachments: finalticketpolicy.doc; ticketpolicyaddendum.pdf

[INQ 15-242 Meyers](#)

From: Centorino, Joseph (COE)
Sent: Tuesday, November 03, 2015 3:30 PM
To: 'Robert Meyers'
Cc: Murawski, Michael P. (COE); Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE)
Subject: INQ 15-242 Robert Meyers, Esq., Weiss Serota Helfman Coleman Bierman Popok (Gifts/Tickets)

Robert:

This will confirm our recent conversation regarding the distribution and use of tickets for an event at the Homestead Race Track, provided to the City of Homestead pursuant to a written contract between the City and the Race Track. Based on the tickets provided to the City, five(5) tickets have been allocated to each member of the Homestead City Commission for distribution. During the conversation, we discussed permissible uses of these tickets by the Commissioners, specifically, personal use by the Commissioners, and how such tickets should otherwise be distributed, including whether they may be distributed to “significant others” or family members. It is not known at this point whether the fair market value of a ticket exceeds \$100.

I indicated that, in view of the fact that these tickets are provided to the City as consideration under an existing contract between the City and a private entity, the ownership of these tickets is in the City of Homestead. The tickets are public property. Their distribution and use should, therefore, be in accordance with the “Guidelines and recommendations regarding ‘public benefit’ clauses in certain government contracts” and the addendum thereto, both of which are attached as approved by the Miami-Dade Commission on Ethics and Public Trust.

In accordance with those policies, if a ticket is to be used by an elected official who is participating in the event in his or her official capacity through some ceremonial or other official activity at the event, then the ticket would not be considered a gift and need not be reported under Section 2-11.1(e) of the County Ethics Code. If, however, an elected official is deemed to be attending the event only as a spectator, although the attendance at such a public event held partly under City auspices would arguably be consistent with his or her official duties, then the receipt of such a ticket would have to be reported as a gift from the City if the fair market value of the ticket can be fairly estimated as exceeding \$100.

The distribution of the complimentary tickets should be justifiable as appropriate disposition of public property, and a record of the disposition should be maintained as a public record. It would be inappropriate for a significant other or family member to be given such property, unless the receiving individual compensates the City of Homestead for the fair market value of the ticket. Any other distribution of the tickets should be defensible as appropriate in the public interest. As you will note from the guidelines cited above, however, the Ethics Commission has recommended that elected officials be entirely removed from the process involving the distribution of complimentary tickets.

This opinion does not interpret or reflect the requirements of Chapter 112, Florida Statutes.

Sincerely,
Joe

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

