

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, February 17, 2015 11:19 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Please include re: INQ - Matthew Haber - Opinion Request: Tickets to the Arts Festival

Rod,

Would you please convert this email into a pdf and add it to INQ 15-24 Haber?

Thanks,

mimi

---

**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, February 17, 2015 11:02 AM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** Please include re: INQ - Matthew Haber - Opinion Request: Tickets to the Arts Festival

---

**From:** Mendez, Victoria [<mailto:VMendez@miamigov.com>]  
**Sent:** Friday, February 13, 2015 5:01 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Haber, Matthew S.; Min, Barnaby  
**Subject:** Re: Opinion Request: Tickets to the Arts Festival

Yes.

Sent from my iPhone

On Feb 13, 2015, at 4:49 PM, "Centorino, Joseph (COE)" <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)> wrote:

And these letters and tickets are sent directly to Commissioners?

---

**From:** Mendez, Victoria [<mailto:VMendez@miamigov.com>]  
**Sent:** Friday, February 13, 2015 12:50 PM  
**To:** Haber, Matthew S.  
**Cc:** Min, Barnaby; Centorino, Joseph (COE)  
**Subject:** Re: Opinion Request: Tickets to the Arts Festival

Hi. As chairman of the arts festival he sends letters with 2-4 tickets and a pass to a tent with beverages and cheeses. Will send letter now.

Sent from my iPhone

On Feb 13, 2015, at 12:05 PM, "Haber, Matthew S." <[MSHaber@miamigov.com](mailto:MSHaber@miamigov.com)> wrote:

Hi Victoria,

Do you have this info?

It was not in the original email chain.

Thank you,

Matthew

Begin forwarded message:

**From:** "Centorino, Joseph (COE)" <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Date:** February 13, 2015, 12:00:13 PM EST  
**To:** "'Haber, Matthew S.'" <[MSHaber@miamigov.com](mailto:MSHaber@miamigov.com)>  
**Subject:** RE: Opinion Request: Tickets to the Arts Festival

Matt.

How many tickets total are received and under what circumstances are they received? Does the festival specifically invite certain city officials, or do they simply send a stack of tickets and leave it to the city to allocate them? Is there any written agreement by which the tickets are allotted to the City?

Joe

---

**From:** Haber, Matthew S. [<mailto:MSHaber@miamigov.com>]  
**Sent:** Friday, February 13, 2015 9:34 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Mendez, Victoria; Min, Barnaby  
**Subject:** Opinion Request: Tickets to the Arts Festival

Good morning Mr. Centorino,

The City Attorney would like to know if you agree with her analysis concerning the receipt of free tickets to the Coconut Grove Arts Festival. Here is her analysis:

Based on the below, I do not believe the tickets have to be disclosed or reported. From my understanding, individuals who have received tickets will be appearing in their official capacity. Based on the Commission on Ethics Ticket Policy attached, official capacity includes greeting the various attendees at the festival. Simply attending is not sufficient.

Additionally, the below indicates that so long as the value of the individual tickets does not exceed \$100.00 and is not offered by a vendor or lobbyist, then it does not need to be disclosed. A review of the website <https://tickets.completeticketsolutions.com/CGA/Online/default.asp> indicates that the cost of tickets to the Coconut Grove Arts Festival is \$5.00. Additionally, the Coconut Grove Arts Festival is not a vendor as that term is defined throughout the City Code. Finally, Coconut Grove Arts

Festival and its representatives, including Mr. Trainer, are not a lobbyist. I have verified this with the City Clerk's Office via [http://www.miamigov.com/City\\_Clerk/pages/lobbyist/lobbyist.asp](http://www.miamigov.com/City_Clerk/pages/lobbyist/lobbyist.asp) that for the past three (3) years, neither the Coconut Grove Arts Festival nor Mr. Trainer has not been a lobbyist before the City of Miami.

Thank you.



Matthew Haber,  
Assistant City Attorney  
The City of Miami  
T: 305-416-1837  
F: 305-416-1801  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

**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. Under Florida law, e-mail addresses and the contents of the e-mail are public records. If you do not want your e-mail address, or the contents of the e-mail released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Mendez, Victoria  
**Sent:** Tuesday, February 11, 2014 7:59 PM  
**To:** Llorente, Mike  
**Cc:** Min, Barnaby  
**Subject:** Tickets to the Arts Festival

Based on the below, I do not believe the tickets have to be disclosed or reported. From my understanding, individuals who have received tickets will be appearing in their official capacity. Based on the Commission on Ethics Ticket Policy attached, official capacity includes greeting the various attendees at the festival. Simply attending is not sufficient.

Additionally, the below indicates that so long as the value of the individual tickets does not exceed \$100.00 and is not offered by a vendor or lobbyist, then it does not need to be disclosed. A review of the website <https://tickets.completeticketsolutions.com/CGA/Online/default.asp> indicates that the cost of tickets to the Coconut Grove Arts Festival is \$5.00. Additionally, the Coconut Grove Arts Festival is not a vendor as that term is defined throughout the City Code. Finally, Coconut Grove Arts Festival and its representatives, including Mr. Trainer, are not a lobbyist. I have verified this with the City Clerk's Office via [http://www.miamigov.com/City\\_Clerk/pages/lobbyist/](http://www.miamigov.com/City_Clerk/pages/lobbyist/)

[obbyist.asp](#) that for the past three (3) years, neither the Coconut Grove Arts Festival nor Mr. Trainer has not been a lobbyist before the City of Miami.

Should you have any questions or wish to discuss, please let me know.

Thank you,

Victoria

---

**From:** Centorino, Joseph (COE)  
[<mailto:CENTORI@miamidade.gov>]  
**Sent:** Tuesday, February 11, 2014 10:12 AM  
**To:** Min, Barnaby  
**Cc:** Mendez, Victoria; Wysong, George; Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Barnaby Min, Assistant City Attorney, City of Miami (tickets)

Barnaby,  
You have inquired whether free tickets to the International Boat Show may be accepted by City officials. In general, if the tickets are not being given to an official for any anticipated official action, and it is not reasonable to assume that there is any benefit contemplated by the donor (which requires the recipient to exercise some judgment in the matter), they can be accepted as long as they are not valued at more than \$100 and being offered by a vendor or lobbyist. If they are valued at more than \$100 but not offered by a vendor or lobbyist they could be accepted by an official subject to the requirement that they be properly disclosed. It is the obligation of the donee to determine the fair market value of the ticket.

I am assuming that the reason for their being offered is not connected to any contractual requirement, in which case they would be considered public property and would have to be distributed in accordance with the attached policy. Further, if the intent of the donor is that they are being provided to public officials for the purpose of distribution to others in the community, then they would also be considered public property and would have to be properly distributed. This would not be the case if only one or two tickets is being offered to each official.

If, however, a block of tickets is simply provided to the City for distribution as it chooses and not directed for use by any public official, then again they could be considered public property and be subject to their use

for public purposes as outlined in the attached ticket policy addendum.

If you have any questions, please feel free to call me at 305-579-2594

Joe Centorino

---

**From:** Min, Barnaby [<mailto:bmin@miamigov.com>]  
**Sent:** Tuesday, February 11, 2014 9:55 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Mendez, Victoria; Wysong, George  
**Subject:** Ethics Question

Joe,

I hope you're well. I want to ensure that we are properly advising our clients concerning tickets. We have received free tickets to the International Boat Show. There is no monetary price on the tickets. It is not from a vendor, lobbyist, or other entity that has an interest in the City. May our elected officials, City personnel, or others attend the Boat Show with these tickets? Please let me know.

Thank you,

Barnaby Min

<image001.jpg>

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, February 17, 2015 9:32 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Matthew Haber, Assistant City Attorney, City of Miami (Gifts) INQ 15-24

INQ 15-24

---

**From:** Centorino, Joseph (COE)  
**Sent:** Friday, February 13, 2015 5:35 PM  
**To:** 'Haber, Matthew S.'  
**Cc:** Mendez, Victoria; Min, Barnaby; Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Matthew Haber, Assistant City Attorney, City of Miami (Gifts)

Mr. Haber:

Assuming these complimentary tickets to the Coconut Grove Arts Festival have been given by the donor directly to the City officials; and the donor is not a lobbyist or vendor of the City; and there is no improper motivation on the part of the parties to the transaction to be influenced in any official action; and the value of the tickets provided to any give official is less than \$100; then there is no violation under County or City Ordinance in their acceptance and the tickets would not need to be disclosed, regardless of whether the officials were in attendance in their official capacity. We do point out, however, that the plain language of Section 4(c) of the City Charter prohibits any city official or employee from accepting a free ticket upon terms more favorable than are granted to the public. However, inasmuch as this agency has no authority to interpret or enforce a City Charter provision, we do not opine on that issue.

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

---

**From:** Haber, Matthew S. [<mailto:MSHaber@miamigov.com>]  
**Sent:** Friday, February 13, 2015 9:34 AM  
**To:** Centorino, Joseph (COE)  
**Cc:** Mendez, Victoria; Min, Barnaby  
**Subject:** Opinion Request: Tickets to the Arts Festival

Good morning Mr. Centorino,

The City Attorney would like to know if you agree with her analysis concerning the receipt of free tickets to the Coconut Grove Arts Festival. Here is her analysis:

Based on the below, I do not believe the tickets have to be disclosed or reported. From my understanding, individuals who have received tickets will be appearing in their official capacity. Based on the Commission on Ethics Ticket Policy attached, official capacity includes greeting the various attendees at the festival. Simply attending is not sufficient.

Additionally, the below indicates that so long as the value of the individual tickets does not exceed \$100.00 and is not offered by a vendor or lobbyist, then it does not need to be disclosed. A review of the website <https://tickets.completeticketsolutions.com/CGA/Online/default.asp> indicates that the cost of tickets to the Coconut Grove Arts Festival is \$5.00. Additionally, the Coconut Grove Arts Festival is not a vendor as that term

is defined throughout the City Code. Finally, Coconut Grove Arts Festival and its representatives, including Mr. Trainer, are not a lobbyist. I have verified this with the City Clerk's Office via [http://www.miamigov.com/City\\_Clerk/pages/lobbyist/lobbyist.asp](http://www.miamigov.com/City_Clerk/pages/lobbyist/lobbyist.asp) that for the past three (3) years, neither the Coconut Grove Arts Festival nor Mr. Trainer has not been a lobbyist before the City of Miami.

Thank you.



Matthew Haber,  
Assistant City Attorney  
The City of Miami  
T: 305-416-1837  
F: 305-416-1801  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

**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. Under Florida law, e-mail addresses and the contents of the e-mail are public records. If you do not want your e-mail address, or the contents of the e-mail released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

---

**From:** Mendez, Victoria  
**Sent:** Tuesday, February 11, 2014 7:59 PM  
**To:** Lorente, Mike  
**Cc:** Min, Barnaby  
**Subject:** Tickets to the Arts Festival

Based on the below, I do not believe the tickets have to be disclosed or reported. From my understanding, individuals who have received tickets will be appearing in their official capacity. Based on the Commission on Ethics Ticket Policy attached, official capacity includes greeting the various attendees at the festival. Simply attending is not sufficient.

Additionally, the below indicates that so long as the value of the individual tickets does not exceed \$100.00 and is not offered by a vendor or lobbyist, then it does not need to be disclosed. A review of the website <https://tickets.completeticketsolutions.com/CGA/Online/default.asp> indicates that the cost of tickets to the Coconut Grove Arts Festival is \$5.00. Additionally, the Coconut Grove Arts Festival is not a vendor as that term is defined throughout the City Code. Finally, Coconut Grove Arts Festival and its representatives, including Mr. Trainer, are not a lobbyist. I have verified this with the City Clerk's Office via [http://www.miamigov.com/City\\_Clerk/pages/lobbyist/lobbyist.asp](http://www.miamigov.com/City_Clerk/pages/lobbyist/lobbyist.asp) that for the past three (3) years, neither the Coconut Grove Arts Festival nor Mr. Trainer has not been a lobbyist before the City of Miami.

Should you have any questions or wish to discuss, please let me know.

Thank you,

Victoria

---

**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Tuesday, February 11, 2014 10:12 AM  
**To:** Min, Barnaby  
**Cc:** Mendez, Victoria; Wysong, George; Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Barnaby Min, Assistant City Attorney, City of Miami (tickets)

Barnaby,

You have inquired whether free tickets to the International Boat Show may be accepted by City officials. In general, if the tickets are not being given to an official for any anticipated official action, and it is not reasonable to assume that

there is any benefit contemplated by the donor (which requires the recipient to exercise some judgment in the matter), they can be accepted as long as they are not valued at more than \$100 and being offered by a vendor or lobbyist. If they are valued at more than \$100 but not offered by a vendor or lobbyist they could be accepted by an official subject to the requirement that they be properly disclosed. It is the obligation of the donee to determine the fair market value of the ticket.

I am assuming that the reason for their being offered is not connected to any contractual requirement, in which case they would be considered public property and would have to be distributed in accordance with the attached policy. Further, if the intent of the donor is that they are being provided to public officials for the purpose of distribution to others in the community, then they would also be considered public property and would have to be properly distributed. This would not be the case if only one or two tickets is being offered to each official.

If, however, a block of tickets is simply provided to the City for distribution as it chooses and not directed for use by any public official, then again they could be considered public property and be subject to their use for public purposes as outlined in the attached ticket policy addendum.

If you have any questions, please feel free to call me at 305-579-2594

Joe Centorino

---

**From:** Min, Barnaby [<mailto:bmin@miamigov.com>]

**Sent:** Tuesday, February 11, 2014 9:55 AM

**To:** Centorino, Joseph (COE)

**Cc:** Mendez, Victoria; Wysong, George

**Subject:** Ethics Question

Joe,

I hope you're well. I want to ensure that we are properly advising our clients concerning tickets. We have received free tickets to the International Boat Show. There is no monetary price on the tickets. It is not from a vendor, lobbyist, or other entity that has an interest in the City. May our elected officials, City personnel, or others attend the Boat Show with these tickets? Please let me know.

Thank you,

Barnaby Min