
INQ 15-270 Tourgeman

From: Centorino, Joseph (COE)
Sent: Tuesday, November 24, 2015 4:42 PM
To: etourgeman@townofsurfsidefl.gov
Cc: Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Lebowitz, Lawrence (COE); Murawski, Michael P. (COE)
Subject: INQ 15-270 Eli Tourgeman, Vice Mayor, Town of Surfside (Exploitation)

Vice Mayor Tourgeman:

You have inquired whether you may use a photo contained on a CD provided to you by the Town of Surfside, which was created as a result of work done by a photographer paid by the Town to shoot portraits of Town officials, in an upcoming political campaign in which you intend to seek the office of Mayor of the Town.

As I advised you, any improper utilization of Town resources through your public position as Vice Mayor for a private purpose, such as a political campaign, could constitute an Exploitation of Official Position under Section 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics. However, under the facts as you have related them, it is my opinion that you may utilize the photo in question because it is part of the public record of the Town of Surfside and would, therefore, be available to the general public for any lawful purpose. However, given that you have received the CD in the course of your public position, if you decide to utilize it for political purposes it would be advisable to for you to pay to the Town whatever fee would be charged to a citizen who requested a copy of the CD. This would avoid any possible consideration or appearance that you have used your public position for an improper political purpose.

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



From: Lebowitz, Lawrence (COE)

Sent: Tuesday, November 24, 2015 1:55 PM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>

Cc: Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: hotline call this afternoon/ Surfside Vice Mayor Eli Tourgeman

Joe, Mike:

Eli Tourgeman, Town of Surfside Commissioner, called the hotline a few minutes ago with a fairly simple question. I'm fairly certain I know the answer, but didn't have the authority to tell him officially.

So I'm memorializing the call here and referring it up the chain of command to provide an official response.

Tourgeman said he plans to run for mayor next spring when his current commission term ends.

The town recently paid a private photographer to shoot portraits of commissioners and other top officials.

Tourgeman said he was given 40 sample portrait shots from which to choose.

His question: Can he use one of the other shots that wasn't put up on the town website or in its official publications for his campaign?

I asked him if the town paid for and owns all of the photos or just the ones that were selected for official publications? He wasn't sure.

I asked him if he was planning to pay the photographer himself? He wasn't 100-percent clear, but it sounded like he just wanted to use one of the non-used samples that were provided to him.

His number is (305) 510-3010.

Larry Lebowitz, Investigator
Miami-Dade County Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Main: 305.579.2594 x103

Direct: 305.350.0611

Email: LEBOWIT@miamidade.gov