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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, March 13, 2015 3:14 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Victoria Mendez, City Attorney, City of Miami (Ticket policy) INQ 15-39  
**Attachments:** Haber email.pdf; Formula E Resolution.pdf

INQ 15-39

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

From: Centorino, Joseph (COE)  
Sent: Friday, March 13, 2015 2:32 PM  
To: 'Mendez, Victoria'; mshaber@miamigov.com; Min, Barnaby; Wysong, George  
Cc: Murawski, Michael P. (COE); Diaz-Greco, Gilma M. (COE)  
Subject: FW: Your input is welcome

Ms. Mendez,

You have inquired regarding whether City of Miami elected officials would be required to report acceptance of complimentary VIP tickets from the FIA Formula E Championship and Andretti Formula E LLC ("Formula E") being provided to them in connection with an annual Formula E Championship being conducted in the City under the terms of a Memorandum of Understanding Between Formula E and the City of Miami. The MOU has been adopted by the City of Miami City Commission pursuant to a Commission Resolution, File No. 14-01164. The tickets will entitle the bearers to attend and participate in special VIP receptions and related activities, in addition to attending the event itself. It has been estimated by your staff that the approximate value of a VIP ticket is \$1500.

As you are aware the Commission on Ethics has adopted a policy regarding ticket acceptance which includes some criteria for determining whether the receipt of a complimentary ticket involves a sufficient connection to one's official duties to be considered a public benefit connected to one's official public office, and, therefore, not a reportable gift under the Miami-Dade County Code. Based upon the information that has been provided, it is unclear whether any of the officials involved will be participating in any formal way in the event sufficient for it to constitute such a connection to one's public office. If an official is giving a speech or is a named participant in a ceremony connected to an event by invitation of the party holding the event, or made somehow an official participant in the event, then that official may be considered being involved in his or her official capacity. Mere presence at a special VIP social event, mingling with other invited VIP guests, is insufficient to meet the requirements of official participation. If it were so, then any official invited to a luxury box or suite at a professional sports game to mingle with other invited VIP guests would also be considered as such. That is not the position that this agency has generally taken. The fact that an event conducted by a private entity is being held in connection with a Memorandum of Understanding with the host City does not automatically transform the presence of local officials at such an event into official participation.

Some judgment and discretion will have to be followed by individual officials in determining their responsibilities. In the event that there is some doubt about whether one is engaged in one's official role or not, it is best that the official err on the side of disclosure for his or her VIP ticket. However, in regard to the attendance of spouses at such events, those tickets would almost always be required to be reported as gifts to the

official. I see no basis in this situation to exempt the VIP passes afforded to spouses of the officials from this reporting requirement.

In the event that any official has a question regarding his or her reporting responsibilities under the County Code, we would be happy to provide them with advice pertinent to their specific situation.

It is my understanding that Formula E is not a City contractor or vendor, and, therefore, the prohibition contained in Section 2-613 of the City of Miami Code would not apply to this event. This agency takes no position on the applicability of Section 4(C) of the City of Miami Charter, nor Section 112.3148(4), Florida Statutes, or any other provision of Chapter 112.

We appreciate your consulting with us concerning this matter and will always be attentive to any requests for guidance from the City of Miami or any other municipality. However, given our limited staff and our other pending responsibilities, it would be helpful if we were to receive these requests more than 48 hours before an event.

Regards,  
Joe Centorino  
Executive Director  
Miami-Dade Commission on Ethics and Public Trust

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

From: Mendez, Victoria [mailto:VMendez@miamigov.com]  
Sent: Wednesday, March 11, 2015 4:27 PM  
To: Centorino, Joseph (COE); Murawski, Michael P. (COE)  
Cc: Haber, Matthew S.; Min, Barnaby; Wysong, George  
Subject: COE request for opinion- co-hosted event

Dear Mr. Centorino:

The purpose of this message is to request an opinion concerning ticket distribution for an event (Formula E Race) being co-hosted by the City of Miami this weekend.

The event promoter, with which we have a memo of understanding, has issued tickets to the City as a public benefit. The vast majority of these tickets are general admission and will be made available by the City to the general public on a first come, first serve basis.

There are also a small number of tickets, about 15 or so, for City of Miami elected officials. These are VIP tickets and will also allow for entrance to a VIP event on Friday and separate seating on Saturday.

The City of Miami elected officials that make use of these tickets may bring their spouses or guests as well. Under these circumstances, both the elected official and spouse/guest would be participating in activities, such as greeting attendees, acting as goodwill ambassadors, etc. that fulfill the requirements outlined in the Public Benefit Tickets Addendum drafted by the COE.

It is our opinion that the officials do not need to report the ticket they receive. In regards to the spouse or guest ticket, as you know, the spouse or guest is usually with the official, assisting the official, keeping notes of requests, speaking to citizens, etc. This is especially true at City co-hosted events.

The public benefit provisions are that which allow the acceptance of an otherwise prohibited gift under our code pursuant to section 2-613.

With the above in mind, what steps, if any, should the City take to ensure compliance with the County's Code of Ethics and the relevant reporting requirements?

Sincerely,

Victoria Méndez

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**From:** Centorino, Joseph (COE)  
**Sent:** Friday, March 13, 2015 2:37 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** Mendez INQ Backup

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

From: Haber, Matthew S. [mailto:MSHaber@miamigov.com]  
Sent: Thursday, March 12, 2015 4:11 PM  
To: Centorino, Joseph (COE)  
Cc: Murawski, Michael P. (COE); Mendez, Victoria; Gomez, Marta  
Subject: Re: COE request for opinion- co-hosted event

Hello Mr. Centorino,

I'm following up from your question regarding the price/value of the VIP tickets specifically.

I am working on getting the exact number, but it is in the range of \$1500.

Thank you,

Matthew

On Mar 12, 2015, at 3:08 PM, "Gomez, Marta" <MGomezChen@miamigov.com> wrote:

> Mr. Centorino,

>

> Attached please find the resolution and the MOU.

>

> Thank you,

>

> Marta

>

> -----Original Message-----

> From: Mendez, Victoria

> Sent: Thursday, March 12, 2015 12:37 PM

> To: 'Centorino, Joseph (COE)'

> Cc: Murawski, Michael P. (COE); Haber, Matthew S.; Gomez, Marta

> Subject: RE: COE request for opinion- co-hosted event

>

> Yes, absolutely. Thank you for your time as always!!!

>

> Matthew and Marta please send the resolution passed on formula e. matthew, please google some of the vip ticket costs. Thanks!

>

> Victoria Méndez, City Attorney

>

> Board Certified, City, County and  
> Local Government  
> City of Miami Office of the City Attorney  
> Telephone: 305-416-1832  
> Facsimile: 305-416-1801  
> victoriamendez@miamigov.com  
> Assistant: Marta Gomez (305) 416-1844

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> Please consider the environment before printing this e-mail.

>  
> -----Original Message-----

> From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]  
> Sent: Thursday, March 12, 2015 12:18 PM  
> To: Mendez, Victoria  
> Cc: Murawski, Michael P. (COE)  
> Subject: RE: COE request for opinion- co-hosted event

>  
> Victoria,  
> I would like a little more information concerning the nature of event itself as well as what it means that the City is "co-hosting " it, e.g., whether the City Commission has officially taken some action making the city a co-sponsor or the city provided funding or other resources for the event. It would also help if we could review the memo of understanding with the promoter, as well as have an accurate or at least estimated value for each of the VIP passes.

>  
> -----Original Message-----

> From: Mendez, Victoria [mailto:VMendez@miamigov.com]  
> Sent: Wednesday, March 11, 2015 4:27 PM  
> To: Centorino, Joseph (COE); Murawski, Michael P. (COE)  
> Cc: Haber, Matthew S.; Min, Barnaby; Wysong, George  
> Subject: COE request for opinion- co-hosted event

>  
> Dear Mr. Centorino:

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>  
> The event promoter, with which we have a memo of understanding, has issued tickets to the City as a public benefit. The vast majority of these tickets are general admission and will be made available by the City to the general public on a first come, first serve basis.

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>

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>

> It is our opinion that the officials do not need to report the ticket they receive. In regards to the spouse or guest ticket, as you know, the spouse or guest is usually with the official, assisting the official, keeping notes of requests, speaking to citizens, etc. This is especially true at City co-hosted events.

>

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> With the above in mind, what steps, if any, should the City take to ensure compliance with the County's Code of Ethics and the relevant reporting requirements?

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> Sincerely,

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> Victoria Méndez

>

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> <Formula E Resolution.pdf>

> <Formula E MOU.pdf>



**City of Miami**  
**Legislation**  
**Resolution**

City Hall  
3500 Pan American  
Drive  
Miami, FL 33133  
www.miamigov.com

File Number: 14-01164

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF MIAMI AND FORMULA E, FOR THE PURPOSE OF CONDUCTING THE FORMULA E CHAMPIONSHIP, COMMENCING MARCH 15, 2015, AND OCCURRING YEARLY FOR A TERM NOT TO EXCEED FIVE (5) YEARS, WITH TERMS AND CONDITIONS MORE PARTICULARLY SET FORTH IN SAID AGREEMENT.

WHEREAS, Formula E requested that the City of Miami ("City") host the Formula E Championship race commencing March 15, 2015, and occurring yearly for a term not to exceed five (5) years; and

WHEREAS, the City shall host the Formula E Championship race commencing March 15, 2015, and occurring yearly for a term not to exceed five (5) years; and

WHEREAS, the City Commission wishes to authorize the execution of an Agreement, in substantially the attached form, between the City and Formula E, for the purpose of conducting the Formula E Championship;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. The City Manager is authorized{1} to execute an Agreement, in substantially the attached form, between the City and Formula E, for the purpose of conducting the Formula E Championship commencing March 15, 2015, and occurring yearly for a term not to exceed five (5) years, with terms and conditions more particularly set forth in said agreement.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS:

  
\_\_\_\_\_  
VICTORIA MÉNDEZ  
CITY ATTORNEY

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.