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INQ 16-111 Sanchez

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, April 13, 2016 1:13 PM  
**To:** Sanchez, Gerald (CAO) <gks@miamidade.gov>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>  
**Subject:** INQ 16-111 Gerald Sanchez, Assistant County Attorney, Miami-Dade County (Gifts)

Gerald:

You have inquired regarding whether a County Commissioner may accept complimentary tickets from Adrienne Arsht, Chairperson of the Adrienne Arsht Foundation, to attend a performance at the Adrienne Arsht Center. It is understood that five tickets will be provided, each of which is valued in excess of \$100. The tickets are being provided personally by Ms. Arsht, a major benefactor of the Foundation. There is no governmental purpose involved in the Commissioner's attendance at the performance.

Ms. Arsht is not a County lobbyist, nor does the Foundation lobby the County. The Foundation is not a contractor or vendor for the County and is not a Political Committee. Arsht Center itself is supported by the Adrienne Arsht Trust, which does have a relationship with the County as a recipient of County funds, but Ms. Arsht does not have any formal position or decision-making role with the Trust.

Under these circumstances, assuming that there is no *quid pro quo* or other connection to any decision or action by the Commission that would render the exchange unlawful under Section 2-11.1(e) of the County Code of Ethics, there is no prohibition under the County Code that would prevent the Commissioner from accepting the tickets. While this agency is without jurisdiction to provide any binding opinion concerning the requirements of state law, Section 112.3148, which would prohibit an elected official from accepting a gift in excess of \$100 from a County vendor, lobbyist, or political committee, does not appear to apply under the given facts.

Since the tickets are provided without any consideration, they are considered gifts under both County Code and State ethics statutes and must be duly reported as such.

***Joseph M. Centorino***

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