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INQ 16-160 Brown

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, June 15, 2016 11:59 AM  
**To:** 'vtblaw@bellsouth.net' <[vtblaw@bellsouth.net](mailto:vtblaw@bellsouth.net)>  
**Subject:** INQ 16-160 Vincent Brown, City Attorney, City of Opa-locka (Gifts)

Good morning Mr. Brown,

You have requested an ethics opinion on the limited question as to whether any ethical issues might be raised in connection to the City of Opa-locka accepting sponsorship funds from its current and prospective vendors, donated directly to the City of Opa-locka, where all the proceeds received go towards a City hosted 4<sup>th</sup> of July celebration. The basic facts you have presented thus far are as follows:

- On May 8<sup>th</sup>, 2013, the City of Opa-locka passed Resolution No. 13-8600 establishing an Independence day celebration event on the 4<sup>th</sup> of July;
- In a letter dated May 18, 2016, Commissioner Luis Santiago sent out a solicitation asking for donations towards the City of Opa-locka's Annual 4<sup>th</sup> of July Event;
- All the funds received through Commissioner Santiago's solicitation will be made payable directly to the City of Opa-locka;
- Neither Commissioner Santiago nor any other City official would receive any personal, private benefit from the event.

Section 2-11.1(e)(3) of the Miami-Dade County Conflict of Interest and Code of Ethics prohibits City employees from "accept[ing] or agree[ing] to accept from another person or entity, any gift for or because of:

- (a) An official public action taken or be taken, or which could be taken;
- (b) A legal duty performed or to be performed, or which could be performed; or
- (c) A legal duty violated or to be violated, or which could be violated...."

Based on the limited facts that we know at this time, as the 4<sup>th</sup> of July celebration event appears to be a City of Opa-locka hosted event, we advise that any sponsorship donations made by the City's current and/or prospective vendors, be handled very carefully so as to avoid any implication of a *quid pro quo* or any possible positive or negative consequence regarding a vendors contract with the City of Opa-locka should the vendor agree or decline to participate in the event.

Please note that this opinion only addresses the limited issue regarding whether the City of Opa-locka can receive sponsorship funds from current and prospective vendors of the City, where the donation is being made directly towards a City hosted event. It does not address any ethical issues that might be raised regarding Commissioner Santiago's letter dated May 18, 2016, and the method in which the solicitation of current and prospective City vendors was performed, as the solicitation was performed prior to the City Attorney's request for an ethics opinion from this agency.

For future guidance as to whether it is permissible for a City Commissioner to engage in solicitation activities for a City-sponsored event, particularly if the sponsorship is endorsed by the City Commission, please refer to Section

2-11.1(e)(2)(e) and Section 2-11.1(e)(2)(f) of the Miami-Dade County Conflict of Interest and Code of Ethics, which generally states that solicitations by employees/Commissioners on behalf of a governmental entity, in the performance of their official duties for use solely by the City in conducting its official business is exempted from the definition of a gift in Section 2-11.1(e)(1).

Additionally, we have previously opined in other ethics opinions that while it is permissible for a Commissioner to solicit donations for a City function where neither the Commission nor any other City Official would receive any personal, private benefit from the event; it has been the practice of this agency to discourage direct, targeted solicitations of City vendors and lobbyists for any special cause, even when such solicitations are not prohibited, to avoid an appearance of impropriety where the City may appear to be applying pressure to one of its vendors or contractors to accede to a request for a contribution to an event in exchange for its continued business relationship with the City.

Further, please be advised that in the future, should you have any questions regarding the solicitation or acceptance of donations from City vendors for a City sponsored event, we recommend that you submit an inquiry prior to any of the City Commissioners' engagement in solicitation activities.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Vincent Brown [<mailto:vtblaw@bellsouth.net>]  
**Sent:** Monday, June 06, 2016 1:40 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Fw: Scanned from a Xerox multifunction device

Mr. Centorino:

Please see the attachment below in consideration of the following:

Please advise whether there is an ethical issue where the City host an annual 4th July celebration and some of the sponsors are current and prospective vendors of the City,

none of the proceeds given go to or are personally received by the sponsoring Commissioner, but are given directly to the City and made payable to the City.

Your immediate attention is requested.

Respectfully,

Vincent T. Brown, Esq. The Brown Law Group, LLC 847 NW 119th Street, Suite 202 North Miami, FL 33168 305-688-7500 / 305-688-7501  
(fax) [www.thebrownlawgroup.net](http://www.thebrownlawgroup.net) 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 without reading same. Nothing in this e-mail shall, in and of itself, create an attorney-client relationship with the sender.

----- Forwarded Message -----

**From:** Joanna Flores <[jflores@Opalockafl.gov](mailto:jflores@Opalockafl.gov)>  
**To:** "[VTBLAW@BELLSOUTH.NET](mailto:VTBLAW@BELLSOUTH.NET)" <[VTBLAW@BELLSOUTH.NET](mailto:VTBLAW@BELLSOUTH.NET)>  
**Sent:** Monday, June 6, 2016 1:20 PM  
**Subject:** FW: Scanned from a Xerox multifunction device

Joanna Flores, CMC  
City Clerk  
City of Opa-locka  
780 Fisherman Street, 4th Floor  
Opa-locka, FL 33054  
T: 305.953.2800  
F: 305.953.2834  
C: 786.877.4038  
Email: [jflores@opalockafl.gov](mailto:jflores@opalockafl.gov)  
Website: [www.opalockafl.gov](http://www.opalockafl.gov)

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

From: Joanna Flores

Sent: Wednesday, June 01, 2016 3:58 PM  
To: [VTBLAW@BELLSOUTH.NET](mailto:VTBLAW@BELLSOUTH.NET)  
Subject: FW: Scanned from a Xerox multifunction device

Joanna Flores, CMC  
City Clerk  
City of Opa-locka  
780 Fisherman Street, 4th Floor  
Opa-locka, FL 33054  
T: 305.953.2800  
F: 305.953.2834  
C: 786.877.4038  
Email: [jflores@opalockafl.gov](mailto:jflores@opalockafl.gov)  
Website: [www.opalockafl.gov](http://www.opalockafl.gov)

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

From: City Clerk's Copy Machine  
Sent: Wednesday, June 01, 2016 4:05 PM  
To: Joanna Flores  
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Attachment File Type: pdf, Multi-Page

multifunction device Location: machine location not set  
Device Name: XRX9C934E15AC89

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