

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, September 09, 2016 3:26 PM
To: Sanchez, Rodzandra (COE)
Subject: Tina Paul, Commissioner, Town of Surfside (Gifts/Exploitation) INQ 16-193

[INQ 16-193 Paul](#)

From: Centorino, Joseph (COE)
Sent: Wednesday, July 27, 2016 5:01 PM
To: 'tpaull@townofsurfsidefl.gov' <tpaull@townofsurfsidefl.gov>
Cc: 'lmiller@townofsurfsidefl.gov' <lmiller@townofsurfsidefl.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-193 Tina Paul, Commissioner, Town of Surfside (Gifts/Exploitation)

Commissioner Paul:

You have inquired regarding whether there would be any ethical issues raised in connection with exhibit of your photography at the Town of Surfside Community Center, as well as whether any such issues would be raised in connection with a special reception for the exhibit sponsored by the Town of Surfside Tourist Board. You have asked for this opinion due to your position as an elected official in the Town of Surfside.

The Town of Surfside, under its Parks and Recreation Department periodically sponsors an exhibit of the work of local artists at the Town Community Center. Prior to your election as a Commissioner, you had submitted your name for consideration in connection with the program for the exhibition of your photography showing scenes of Surfside that would be of interest to the local public. You have been notified by Tim Milian, Director of Parks and Recreation that his department will include your photographs in an upcoming exhibit at the Community Center. There is no direct financial benefit to you for the exhibition, although individuals viewing the exhibit would have access to information that could lead to their purchasing photographs from you should they decide to do so.

I have conferred with Mr. Milian, who has confirmed the facts as related by you. He has indicated that your work would have been approved for exhibition regardless of your position as Commissioner.

You have also inquired of the Tourist Director, Duncan Tavares, regarding whether the Surfside Tourist Board would be willing to sponsor an opening reception for the exhibit, for which Town funds would be used. Such receptions are not usually included in the artistic exhibits at the Community Center. You indicated that Mr. Tavares would be willing to bring this before the Tourist Board, provided that there was no ethical problem with such an event.

Inasmuch as the opportunity to exhibit one's work is available to any local artist; that there is no direct financial benefit to you for the exhibition; as well as the fact that you submitted your name for the program prior to your election as Commissioner; I see no prohibition under the Miami-Dade Conflict of Interest and Code of Ethics Ordinance that would apply to your participation in the exhibit. The exhibit will provide a tangible public benefit in making available the creative work of a local resident to the general public. Your position as Commissioner does not appear to have affected the decision of the Town to exhibit your work. Therefore, you may exhibit your photographs in connection with this program on the basis that it is occurring through a program for which you are eligible as a local resident; you did not exert any influence over the decision to exhibit your work; and there is no special benefit accruing to you through use of your public position. Therefore, there would be no violation of Section 2-11.1(g) for improper solicitation or acceptance of a gift or under Section 2-11.1(g) for Exploitation of Official Position.

However, I do not think it would be appropriate for the Town of Surfside Tourist Board to sponsor a special reception for your exhibit at Town expense. Since this is not an event that is usually included in such exhibits, and would provide you with enhanced exposure of your photography, which you pursue professionally, it could be construed as a transfer of something of economic value to you, constituting a gift under Section 2-11.1(e)(1) of the Code. Section 2-11.1(e)(3) of the Code prohibits public servants from soliciting any gift. A request by you to the Town Tourist Board leading to a Town-funded special reception of your work would likely violate Section 2-11.1(e)(3). Furthermore, the provision of such a special benefit obtained through your public position could constitute an Exploitation of Official Position under Section 2-11.1(g) of the Code. Accordingly, you should not pursue or accept the special reception.

Thank you for your request. You are to be commended for seeking an opinion from this agency prior to any action being taken.

Sincerely,

Joe Centorino

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

