

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 29, 2016 3:43 PM
To: Sanchez, Rodzandra (COE)
Subject: Daniel Dietch, Mayor, Town of Surfside (Gift Solicitation, Subsection 2-11.1(e)(2)(g) INQ 16-221

[INQ 16-221 Dietch](#)

From: Centorino, Joseph (COE)
Sent: Thursday, September 29, 2016 3:35 PM
To: 'ddietch@townofsurfsidefl.gov' <ddietch@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) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 16-221 Daniel Dietch, Mayor, Town of Surfside (Gift Solicitation, Subsection 2-11.1(e)(2)(g)

Mayor Dietch:

You have inquired concerning whether there is any prohibition against your solicitation of donations for an upcoming silent auction, being conducted as an annual fundraiser on behalf of the CLEO (Climate Leadership Engagement Opportunities) Institute.

You have indicated that the CLEO Institute is a 501(c)(3) not-for-profit organization which promotes environmental literacy and civic engagement, and that you sit as a board member for that organization. You are interested in assisting in the the effort to promote the success of its upcoming fundraiser by soliciting donations from local businesses and individuals for its silent auction. In your capacity as Mayor, you sit as the Chair of the Town of Surfside Commission

Although Subsection 2-11.1(e)(3) of the County Ethics Code generally prohibits public officials from soliciting gifts, Subsection 2-11.1(e)(2)(g) creates an exception to that general prohibition for gifts solicited by (Town) Commissioners, or their staff members "on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner nor his or her staff receives any compensation as a result of the solicitation." The exception applies only to entities described under Section 501(c)(3) of the Internal Revenue Code.

Under the circumstances related by you, you are not prohibited from soliciting gifts on behalf of the CLEO Institute, provided that neither you nor your staff receives any compensation as a result of the solicitation. I would further advise you, however, to be cautious in any solicitation that might be received by any person or entity who lobbies or has a contract with the Town, or who has any current applications or other pending issues before the Town. Specifically, it would be advisable that you refrain from any direct, personal solicitation to such persons or entities in order to avoid any perception of a *quid pro quo*.

Sincerely

Joseph M. Centorino

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