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INQ 16-40 Haber

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**From:** Haber, Matthew S. [mailto:MSHaber@miamigov.com]  
**Sent:** Wednesday, February 10, 2016 2:40 PM  
**To:** Centorino, Joseph (COE) <CENTORI@miamidade.gov>  
**Cc:** Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>  
**Subject:** RE: INQ 16-40 Matthew Haber, Esq., Assistant City Attorney, City of Miami (Gifts)

I'm grateful for your swift response. Thank you again!



Matthew Haber,  
Assistant City Attorney  
The City of Miami  
T: 305-416-1837  
F: 305-416-1801  
[mshaber@miamigov.com](mailto:mshaber@miamigov.com)

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**From:** Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]  
**Sent:** Wednesday, February 10, 2016 2:30 PM  
**To:** Haber, Matthew S.  
**Cc:** Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ 16-40 Matthew Haber, Esq., Assistant City Attorney, City of Miami (Gifts)

Mr. Haber:

You have inquired regarding whether any provision in either the County or City Code would prohibit the Department Director of the City of Miami Risk Management Department from accepting, from the Cigna insurance company, a complimentary registration for the South Florida Cigna Women's Event described in the attached brochure. The event is billed as a "Women's Event," includes a complimentary stay at the Ritz Carlton in Fort Lauderdale over two days, and includes a cocktail reception, meals, spa/pool time, as well as the program. . You have indicated that Cigna is a City contractor/service provider in that it is the designated health insurance provider for City of Miami Employees. You have also indicated that the Risk Management Department is the department that oversees the City's contract with Cigna.

Unfortunately, this request for an opinion regarding an event scheduled to take place tomorrow was received this afternoon, affording us very little time to look into this matter in any detail. Therefore, the opinion that I am giving is a conservative one that is limited to the facts available at this time. I understand that you have made efforts to encourage more timely requests for opinions of this nature, which is appreciated.

The program seems to be geared more to lifestyle and general wellbeing rather than to Risk Management. The only portion that seems at all relevant to the insurance company itself is a presentation about a merger to take place between Cigna and Anthem scheduled to be made during or following dinner on Thursday night. It is doubtful that a

complimentary stay at a luxury out-of-town hotel is required to provide an agency official with whatever information might be pertinent to the City regarding such a merger.

Section 2-11.1(w) prohibits travel or travel-related expenses, including conference registration fees, lodging, meals and incidentals, where travel is involved. Because the location of this event is in Broward County, which adjoins Miami-Dade County, and we have previously found that a program offered in counties immediately surrounding Miami-Dade County, where no travel expense is involved (INQ 13-26), would not ordinarily trigger the prohibition under Section 2-11.1(w), I do not find that section applicable to this event.

Section 2-613 of the City of Miami Code, however, provides a blanket prohibition against accepting any gift from a City contractor "except where given for the use and benefit of the city." I do not find that this event, which appears to have a tangential relationship, if any, to the Risk Management Department and the Department Director's duties, qualifies as being given "for the use and benefit of the city." It appears designed as a pleasure outing or, at most, a life-enhancing event for the attendees, with minimal or no value to the City of Miami. Therefore, I do not believe that it would be permissible under Section 2-613 for the Department Director to accept this benefit.

I have no reason to conclude that there is any *quid pro quo* attached to this complimentary hotel stay, however, I would also be concerned that it is being offered by a City contractor to the Department Director for the department that oversees that company's contract with the City. Under these circumstances, Section 112.313(4), Unauthorized Compensation, may be implicated. That statute makes it a State ethics violation for a public servant to accept any compensation, payment or thing of value when that individual "knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action" in which that individual was expected to participate in his official capacity. Although this agency does not interpret or enforce the latter statute, a possible violation of this nature, or an appearance of a possible violation, should be sufficient to discourage acceptance of this benefit.

Sincerely,

***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  
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**From:** Morera, Odalys [<mailto:OMorera@miamigov.com>]  
**Sent:** Wednesday, February 10, 2016 12:29 PM  
**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Cc:** Haber, Matthew S. <[MSHaber@miamigov.com](mailto:MSHaber@miamigov.com)>  
**Subject:** RE: Public Benefit and in-state travel

Mr. Centorino,

Attached you will please find Cigna's South Florida Women's Event.

**Odalys Morera, Litigation Assistant To**

**Matthew S. Haber, Assistant City Attorney**

**Joseph A. Ruiz, Assistant City Attorney**



City of Miami Office of the City  
Attorney

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**From:** Haber, Matthew S.  
**Sent:** Wednesday, February 10, 2016 12:16 PM  
**To:** Morera, Odalys  
**Cc:** Centorino, Joseph (COE)  
**Subject:** RE: Public Benefit and in-state travel

Hi Odalys,

Please provide a scanned copy of the document I will be handing you to Mr. Centorino.

Thank you.



Matthew Haber,  
Assistant City Attorney

The City of Miami

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**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Wednesday, February 10, 2016 12:00 PM  
**To:** Haber, Matthew S.  
**Subject:** RE: Public Benefit and in-state travel

Matt, I am available to speak with you whenever you have the time.

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**From:** Haber, Matthew S. [<mailto:MSHaber@miamigov.com>]  
**Sent:** Wednesday, February 10, 2016 11:21 AM  
**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Subject:** RE: Public Benefit and in-state travel

I'm grateful Mr. Centorino. I had hoped to attend today but one of our Commissioners asked me to conduct a Sunshine Law training at the same time.

I look forward to speaking with you soon.

Thank you.



Matthew Haber,  
Assistant City Attorney  
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**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Wednesday, February 10, 2016 9:40 AM  
**To:** Haber, Matthew S.  
**Subject:** RE: Public Benefit and in-state travel

Matt,  
If you are planning to attend the meeting today, I would be happy to meet with you directly afterward. Otherwise, I will call you after the meeting.

---

**From:** Haber, Matthew S. [<mailto:MSHaber@miamigov.com>]  
**Sent:** Tuesday, February 09, 2016 6:16 PM  
**To:** Centorino, Joseph (COE) <[CENTORI@miamidade.gov](mailto:CENTORI@miamidade.gov)>  
**Cc:** Morera, Odalys <[OMorera@miamigov.com](mailto:OMorera@miamigov.com)>  
**Subject:** Public Benefit and in-state travel

Hello Mr. Centorino,

I'm sorry if I missed your call. I had to run to City Hall.

Is there a time tomorrow/Wednesday morning I could get your feedback on a time sensitive ethics question from one of our employees?

Thank you,

Matthew Haber,  
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City of Miami  
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