
INQ 16-63

From: Murawski, Michael P. (COE)
Sent: Thursday, March 03, 2016 3:52 PM
To: mshaber@miamigov.com
Cc: Perez, Martha D. (COE); Centorino, Joseph (COE)
Subject: FW: Board member providing lunch at workshop INQ 16-63 (Matthew Haber)

Matthew:

You inquired whether it would be a violation of any provisions of the Ethics Code for a board member's law firm (the board member is an attorney that works for a firm that is a vendor to the City) to pay for lunch for the board during a workshop the board will be holding. You advised that the workshop will be advertised and open to the public.

In general, unsolicited gifts of lunches by a city contractor are not prohibited PROVIDED they **are not** being offered in exchange for official action or with the expectation that a special benefit from the city or any of its agencies (boards, committees, etc.) will be given in return (See Section 2-11.1 (g) of the County Conflict of Interest and Code of Ethics ordinance). A complimentary lunch must be disclosed by each individual if it exceeds \$100 per person (See 2-11.1 (e) of the County Ethics ordinance). Also, under FS 112.3148(5)(a), the following individuals or entities are prohibited from giving gifts that exceed \$100, to a reporting individual or procurement employee: city vendor, political committee, lobbyist, partner/firm/employer or principal of a lobbyist.

Additionally, Section 2-613 of the City's Code provides as follows:

Sec. 2-613. - Accepting gifts, etc., from persons contracting, etc., with city.

Every officer, official or employee of the city, including every member of any board, commission or agency of the city, is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, *except where given for the use and benefit of the city.*

Consequently, the board members law firm may provide lunch for a board workshop as long as the workshop constitutes "city business" and the lunch is not provided with the expectation that a special benefit from the City will be given in return.

I have rendered this opinion based on the facts as provided to me. If there are any changes in the facts or circumstances, the opinion can be revisited.

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