
INQ 16-92 Kirtley

From: Centorino, Joseph (COE)
Sent: Tuesday, March 22, 2016 11:32 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: INQ 16-92 Eddie Kirtley, Assistant Miami-Dade County Attorney (Gifts)

Eddie Kirtley, Assistant County Attorney, inquired concerning whether he could accept two free VIP Courtside tickets to the Miami Open Tennis Tournament from Lacoste, the clothes provider for the tournament. Mr. Kirtley indicated that the reason for his receipt of the tickets, which was confirmed by Lacoste, was due to his being a regular customer of Lacoste products, and is totally unrelated to his public position as Assistant County Attorney. The value of the tickets exceeds \$100.

I informed Mr. Kirtley that there is no prohibition under Section 2-11.1(e) of the code to his acceptance of the complimentary tickets, since there is no connection between the gift and any duty he may have or will perform in his public position. However, I also advised him of the prohibition under Section 112.3148, Florida Statutes, which prohibits gifts over \$100 from vendors or lobbyists of a governmental entity to reporting individuals or procurement employees of the entity. I suggested that the prohibition may not apply to him since as an Assistant County Attorney he is required to file financial disclosure under County Ordinance rather than State Law, but that any definitive opinion on this would have to come from the Florida Commission on Ethics. I suggested that he first check into whether Lacoste is considered a county vendor, contractor or lobbyist, since the prohibition would not apply if it does not fit into one of those categories.

Also, I advised him that, in the event that he decides to accept and use the tickets, he should disclose them pursuant to Section 2-11.1(e)(4) of the County Code.

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



From: Kirtley, Eddie (CAO)
Sent: Tuesday, March 22, 2016 12:02 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: RE: Tickets

Joe – Thank you for your email. I decided that the least complicated and best course is not to accept the tickets, so I called and declined them after we spoke. Thank you for taking time to speak with me. Nice seeing you today.

Take care,

- Eddie

From: Centorino, Joseph (COE)
Sent: Tuesday, March 22, 2016 11:26 AM
To: Kirtley, Eddie (CAO)
Subject: Tickets

Eddie,
I should have qualified my advice to you regarding the prohibition under Section 112.3148, Florida Statutes, which prohibits acceptance of gifts valued at over \$100 from lobbyists or vendors of a governmental entity to “reporting individuals” and “procurement employees” of the entity. Reporting individuals are defined as those who are required to file financial disclosure under the State Constitution or under Section 112.3145. Since you are required to file financial disclosure under County Ordinance but not State law, you may not be bound by this requirement. Also, I do not think that you are considered a procurement employee with authority to make a purchase over \$20,000. You may want to check the statute yourself. We cannot provide binding interpretations of State ethics requirements. That can only be done by the Florida Commission on Ethics.

Joe

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