
INQ 16-93 Kirtley

From: Centorino, Joseph (COE)
Sent: Wednesday, March 23, 2016 1:31 PM
To: Kirtley, Eddie (CAO) <kirtley@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>; Sanchez, Gerald (CAO) <gks@miamidade.gov>
Subject: INQ 16-93 Eddie Kirtley, Miami-Dade Assistant County Attorney (Gift Solicitation)

Eddie:

You have inquired concerning your involvement with the Perez Art Museum, a Section 501(c)(3) non-profit organization, in participating in the solicitation of individual known to you to attend a fundraising dinner hosted by the museum. 100% of the net proceeds from the fundraising effort will go to support children's programs at the museum. You have indicated that your involvement with the museum is something that you do on your own time, and that it has no connection to your position with the County. You will not receive any personal financial benefit from the solicitation, and you will not directly solicit any known County vendor, contractor or lobbyist.

Under these circumstances, I see no issue under Section 2-11.1(e) of the County Ethics Ordinance, which governs the solicitation and acceptance of gifts. Given that it is a charitable event sponsored by a 501(c)(3) entity and is unrelated to your public position, you may be involved in such a solicitation. While there is no prohibition under these circumstances against your soliciting from County vendors or lobbyists, we have generally cautioned County officials to avoid direct solicitations of such persons, even for charitable purposes, due to the possibility that the solicitation may be perceived as coercive. Use of your name in a general solicitation that may include such vendors or lobbyists, without direct contact on your part, would not raise such concerns.

Sincerely,

Joe

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



