
FW: INQ 16-96 Sanchez

From: Centorino, Joseph (COE)
Sent: Thursday, March 24, 2016 5:16 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>
Subject: INQ 16-96 Jose "Pepe Diaz, Miami-Dade County Commissioner, District 12

Gerald Sanchez, Assistant Miami-Dade County Attorney, inquired on behalf of Miami-Dade County Commissioner Jose "Pepe" Diaz (District 12) regarding whether he would be permitted under County Ethics Ordinances to solicit contributions, as well as to use his official title and stationery in doing so, to a 501(c)(3) organization to be formed and which he would chair, for the purpose of raising funds for a series of events intended to benefit veterans and to particularly honor Hispanic veterans. Prior to doing so, it is the Commissioner's intent to present a resolution to the County Commission, whereby the Commission would endorse the projects for which the funds would be raised, as well as commit the County to actively support the project and with its own resources. The Commissioner is heavily involved in veterans' affairs due to his position as the County Commission's military liaison and as Chair of the Military Affairs Committee of the Commission. He would be engaged in these fundraising efforts solely for the benefit of veterans and would not receive any compensation or other personal benefit for himself.

Under these circumstances, I informed Mr. Sanchez that Commissioner Diaz could engage in the proposed fundraising activities, including using his Commission title and stationery in the fundraising efforts. Subsection 2-11.1(e)(2)(f) explicitly exempts gifts solicited on behalf of the County for use by the County in conducting its official business from the prohibition on solicitation of gifts in Section 2-11.1(e)(3). Subsection 2-11.1(e)(2)(g) exempts from the prohibition gifts solicited by Commissioners or their staff members on behalf of 501(c)(3) organizations, provided neither the Commissioner nor his or her staff member receives any compensation as a result of the solicitation. In light of these exceptions, and assuming the County's anticipated involvement in the project, and the benefits accruing solely to a 501(c)(3) organization in events co-sponsored by the County, the Commissioner Diaz would be permitted to fundraise for the events, and to use his official title and stationery in the effort.

Joseph M. Centorino

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