

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, April 11, 2017 9:27 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Yvonne Hamilton, Village Clerk, North Bay Village INQ 17-109

INQ 17-109 Hamilton

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**From:** Centorino, Joseph (COE)  
**Sent:** Monday, April 10, 2017 5:18 PM  
**To:** 'Yvonne Hamilton' <yvonne.hamilton@nbvillage.com>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** INQ 17-109 Yvonne Hamilton, Village Clerk, North Bay Village

Ms. Hamilton,

You inquired concerning the necessity of reporting the cost of attendance t various League of Cities functions under the Gift Disclosure requirements. We understand that the Florida League of Cities and Miami-Dade County League of Cities are agencies formed for the benefit of local government and their events are generally related to local government issues, as well as networking events for the benefit of public officials who attend.. However, there may be reporting requirements both of the official and his or her spouse, which would differ depending on who is paying for the event, unless the amount of the cost of attending is not greater than \$100, in which case the reporting requirement would not be triggered under either County Ordinance, Section 2-11.1(e)(4) or Florida State Law, Section 112.3148.

Where an elected officials attends an event in which he or she participates in the event, e.g., gives a speech or is involved in a formal program for the event in his or her capacity as an elected official, we have generally found that not to be a reportable gift because it is part and parcel of the official's duties. But where an elected official merely attends an event passively and takes no official part in the event, then the payment of his or her entrance by a non-governmental entity is generally considered to be a gift that should be disclosed. If the entity paying for it is the official's own government agency and it is doing so because of the perceived public benefit to the agency, then the cost of the official's attendance would not be a disclosable gift by the official, but the cost of the spouse's attendance would be a disclosable gift **for the official**. The payment by any agency, including the official's own agency for the cost of a spouse's attendance would almost always be considered a gift to the official.

If the cost of the event were to be paid by one of the League of Cities organizations, then it would be a disclosable gift for the official. We try to be consistent here with the State of Florida Ethics Commission. The State opinions on Gift Disclosure (See CEO 90-72, 90-73) have indicated that, under the State Gift Disclosure requirements in Section 112.3148, the exemption from the gift disclosure requirement applies only to governmental organizations. . T League of Cities organizations are not considered governmental agencies themselves. Official's should beware that the acceptance of a gift valued over \$100 accepted from a lobbyist, Village contractor or political committee, is prohibited under Section 112.3148. Also, any gift at all that includes travel or travel-related expenses may not be accepted from a Village contractor, vendor or service provider, absent an explicit waiver from the Village council.

In the event that there is some uncertainty over whether the paid entrance to particular event is considered to be a "gift," and the reporting requirements that may be attendant to it, it would be advisable for an official to seek an opinion from our office.

Sincerely,

Joe Centorino

## *Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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**From:** Yvonne Hamilton [<mailto:yvonne.hamilton@nbvillage.com>]  
**Sent:** Wednesday, March 22, 2017 6:08 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Cc:** Thompson, Robert A. (COE) <[Robert.Thompson@miamidade.gov](mailto:Robert.Thompson@miamidade.gov)>  
**Subject:** Gift Disclosure

Good afternoon Mr. Centerino:

We had a discussion about elected officials reporting the cost associated with their attendance at events, such as the Miami-Dade County League of Cities Dinner Meetings and the Florida League of Cities Gala.

I had sent you some information where one of your staff members advised that we should complete Form 9 for the elected officials as well as their guests to these events.

I would like to hear from you on this matter.

Thanks



*Yvonne P. Hamilton, CMC*  
*Village Clerk*  
*North Bay Village*  
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*North Bay Village, FL 33141*  
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Do your part in keeping our planet "Green", minimize paper usage. Thank you! - North Bay Village.  
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