

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 26, 2017 11:42 AM
To: Sanchez, Rodzandra (COE)
Subject: Vincent Brown, Esq., City Attorney, City of Opa-locka (Gifts) INQ 17-125

INQ 17-125 Brown

From: Ethics (COE)
Sent: Wednesday, April 26, 2017 11:31 AM
To: 'Vincent Brown' <vtblaw@bellsouth.net>
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 17-125 Vincent Brown, Esq., City Attorney, City of Opa-locka (Gifts)

Dear Mr. Brown,

You have inquired whether, as the City Attorney for the City of Opa-locka, you may purchase tickets for an upcoming Miami-Dade County League of Cities Gala. You have proposed, in light of the city's current financial difficulties, to purchase a table of ten at a cost of \$1500, and to extend invitations to the City Commission, which includes the Mayor, for them to attend. The cost of each ticket is \$150. You do not indicate in your email whether you also intend to pay for spouses or guests of the Commission members, which could double the amount of the gift to each Commissioner, if that were to occur. Your law firm is currently under contract to provide legal services to the City of Opa-locka. AS the designated City Attorney you are subject to the financial disclosure requirements in Chapter 112 for designated local officials.

Gifts under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance are covered generally by the provisions of Section 2-11.1(e) of the Code. That section includes certain prohibited gifts where the gifts are given in consideration of certain actions that might be taken by public servants in their official capacities, of which I am sure you are aware. For the purposes of this opinion, it is my assumption that no such prohibited purpose is involved in your generous offer to pay for the tickets to the gala. Under the Miami-Dade County Ethics Code there is no prohibition that would prevent your purchasing such tickets for the members of the City Commission. However, as someone who is expected to file financial disclosure, you would be required under the both State law and the County Ordinance to disclose the gifts on an appropriate State of Florida gift disclosure form, if the amount of the gift to each individual is valued at over \$100.

The more problematic issue raised is whether the gifts might be prohibited under Section 112.3148(4), Florida Statutes. That section prohibits a reporting individual or procurement employee from accepting a gift in excess of \$100 from "a vendor doing business with the reporting individual's or procurement employee's agency." All of the Commissioners are considered reporting individuals who are covered by this section. It appears to me that, as someone who provides legal services under contract with the City of Opa-locka, that you are probably considered a vendor for the purposes of this statute. There is an exception for gifts provided to the governmental entity, but that might not apply to paid tickets enabling an individual to attend an event such as this one, even though it arguably serves a public purpose. There is also an exception for gifts provided to a charitable organization, which could apply if the League of Cities were to be considered such an organization and the value of the ticket minus the amount that would be contributed to the organization is less than \$100. I am not in a position to give you definitive answer to these issues. The Miami-Dade Commission on Ethics has no authority to provide binding opinions on State ethics provisions, and no jurisdiction to enforce them. Therefore, at a minimum, if you still want to proceed with providing these tickets to the

Commissioners, it is my recommendation that you seek and obtain an ethics opinion from the State of Florida Commission on Ethics regarding this matter.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Vincent Brown [<mailto:vtblaw@bellsouth.net>]

Sent: Wednesday, April 26, 2017 9:25 AM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Request for an Opinion

Good morning:

My law firm serves as the City Attorney for the City of Opa-locka. As it is widely known, the City is experiencing financial difficulty. I am purchasing a table (\$1500 for a table of 10) to the 63rd Annual Miami-Dade League of Cities Gala and would like to invite the City Commission. Is this ethically permissible?

The event is May 13, 2017.

Your prompt attention is requested.

Thanks in advance for you consideration.

Respectfully,

Vincent T. Brown, Esq. The Brown Law Group, LLC 847 NW 119th Street, Suite 202 North Miami, FL 33168 305-688-7500 / 305-688-7501 (fax) www.thebrownlawgroup.net This e-mail is intended only for the individual(s) or entity(s) named within the message. This e-mail might contain legally privileged and confidential information. If you properly received this e-mail as a client or retained expert, please hold it in confidence to protect the attorney-client or work product privileges. Should the intended recipient forward or disclose this message to another

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