

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, October 16, 2017 11:38 AM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman P.L. (Exploitation - Letter of Recommendation) INQ 17-243

INQ 17-243 Meyers

-----Original Message-----

From: Centorino, Joseph (COE)
Sent: Thursday, October 12, 2017 5:32 PM
To: 'Robert Meyers' <RMeyers@wsh-law.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-243 Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman P.L. (Exploitation - Letter of Recommendation)

Robert:

You have inquired on behalf of the Police Chief of the Village of Key Biscayne regarding whether he may write a letter of recommendation on behalf of a Village resident to support his application for United States Citizenship. The individual involved owns properties in the Village and, from time to time, may have matters pending before the Village Council. However, the Village Police Chief has no involvement with such matters. It is assumed, therefore, for the purposes of this requested opinion, that there is no quid pro quo contemplated by anyone involved here, and that there is no pending or contemplated matter regarding this citizen with which the Chief is involved in his official capacity.

Under these circumstances, I do not think a letter of recommendation by the Chief would be an Exploitation of Official Position under Section 2-11.1(g) of the County Code of Ethics. We have not interpreted that section to disallow a personal or political endorsement of an individual by a public official to be an exploitation, even where the official is identified in the communication by his or her official title. See INQ 10-133, INQ 12-175. See also, CEO 99-6, regarding the State of Florida Code of Ethics, which specifically involves a Letter of Recommendation made on personal stationery.

The only issue I see is whether the Chief may utilize official stationery of the Village Police Department in making the written recommendation. It is my opinion that, if the Chief's knowledge of the individual in question, has come through significant interactions with this individual in the course of his official duties, then it may be appropriate for him to use the official stationery. This generally arises in situations where an official has supervised someone on the job, or else has knowledge of an individual or private company's performance, where that individual or company contracts with the government entity with which the official is associated. In the event that the Chief's interactions with this individual have been purely personal, or only casual in the course of the Chief's interactions with the general public, then it would be more appropriate for the Chief to use private stationery for the letter of recommendation to avoid any use of public resources for a private purpose. As indicated above, however, it would be permissible under such circumstances for the Chief to identify himself by his official position.

Sincerely,
Joe Centorino

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

-----Original Message-----

From: Robert Meyers [mailto:RMeyers@wsh-law.com]
Sent: Monday, October 09, 2017 6:05 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: KB Police Chief Letter of Recommendation

Joe:

Weiss Serota Helfman Cole & Bierman represents the Village of Key Biscayne as Village Attorney. I am requesting a written ethics opinion on behalf of Village Police Chief Charles Press from you in your capacity as the Executive Director of the Miami-Dade Commission on Ethics and Public Trust. Listed below are the relevant facts:

Eric Soulavy, a Village resident and Manager of Blue Jay Capital, LLC, has asked the Police Chief to write a letter of recommendation on his behalf to support his application for United States Citizenship. Blue Jay Capital, LLC, or its affiliated entities, own several properties within the Village and from time to time have pending matters before the Village Council. The Village Police Chief has not had any involvement with such matters before the Village Council. The Village Police Chief believes that Eric is a good resident and property owner in the Village and would like to write a letter of recommendation. However, he would like confirmation from the MDC Commission on Ethics that writing such a letter would not be considered a Misuse/Exploitation of Public Office under the Miami Dade County Code.

If you have any questions, please contact me at your earliest convenience to discuss.

Thanks,

Robert Meyers

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Robert Meyers

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