

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 07, 2017 3:18 PM
To: Sanchez, Rodzandra (COE)
Subject: Eli Tourgeman, Former Commissioner, Town of Surfside (2-year Rule) INQ 17-68
Attachments: faq_2-year-rule_6-14.pdf

INQ 17-68 Tourgeman

From: Ethics (COE)
Sent: Tuesday, March 07, 2017 2:41 PM
To: 'Tourgeman, Eli' <eli.tourgeman@marriott.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>; 'lmiller@townofsurfsidefl.gov' <lmiller@townofsurfsidefl.gov>
Subject: INQ 17-68 Eli Tourgeman, Former Commissioner, Town of Surfside (2-year Rule)

Mr. Tourgeman:

You have requested an opinion concerning any ethical prohibitions under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance in connection with your work for Residence Inn (Marriott) in Surfside. You have stated that you may attend a meeting with the Town Manager regarding your employer's concern over the replacement of landscaping on its property. You have also indicated that you would like to attend meetings of the Surfside Tourist Board to have input on matters of concern both to the hotel as well as to you as a resident of Surfside. You are a former Mayor and Vice-Mayor of the Town of Surfside, Your most recent town service as Vice Mayor ended with the election in March 2016.

As a former elected official in the Town of Surfside who left office less than two years ago, you are subject to the 2-year rule in Section 2-11.1(q) of the Ethics Code. Under that provision you may not lobby any Town officer, departmental personnel or employee of the town in connection with any matter concerning the Town. The interpretation of the term "lobbying" by the Ethics Commission has been expansive in terms of the 2-year rule. Any attempt to influence personnel of the Town, even where the issue may not go before the Town Commission or another Town board or committee, is prohibited within the two-year period. There are exceptions for lobbying on behalf of a government, non-profit or educational organization, or for appearances in a publicly-noticed quasi-judicial proceeding.

It is my opinion that you may not meet with the Town Manager on behalf of the hotel that employs you to influence a decision of the Town Manager because such activity would constitute lobbying under the two-year rule. This prohibition would extend to your appearance before the Town of Surfside Tourist Board or any other Town Board, where you would be appearing on behalf of your employer. On the other hand, the rule would not take away from you your rights as a citizen to address any board where you are appearing only in your individual capacity for the purpose of self-representation without compensation or reimbursement.

Since you live and work in the Town, you would need to be careful to keep your employer hotel's interest separate from any interactions you have with the Town during the two-year period. Your appearance before the Town on any matter affecting your employer or in which your employer has an interest may be interpreted to be lobbying, due to the fact that you receive compensation from your employer. To avoid a possible violation, if you choose to address any matter before Town officials as a resident, it should not be on a matter in which your employer also has a special interest or concern. If you are uncertain regarding your participation in any particular activity, you would be well-advised to seek an opinion from this agency.

The 2-year rule would not prohibit you from engaging in lobbying before a governmental entity other than the Town of Surfside.

I have attached a Frequently Asked Questions summary prepared by Ethics Commission staff for your benefit.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: Tourgeman, Eli [<mailto:eli.tourgeman@marriott.com>]
Sent: Tuesday, March 07, 2017 1:27 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: RE: question on ethics

i am not associated with any board or position in the Town of Surfside. I am a resident of Surfside.. my Vice Mayor term ended with the election of March 2016.

----- Original message -----
From: "Ethics \ (COE)" <ethics@miamidade.gov>
To: "Tourgeman, Eli" <eli.tourgeman@marriott.com>
Subject: RE: question on ethics
Date: Mar 6, 2017, 12:46 PM

Eli,

You are not currently a Commissioner, I believe. When did your term end? Do you currently occupy any position with the Town? Let me know. It is likely that you will be covered by the two-year rule.

Joe

From: Tourgeman, Eli [<mailto:eli.tourgeman@marriott.com>]

Sent: Monday, March 06, 2017 12:17 PM

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

Subject: question on ethics

Hello Joe:

at present I am working for the Residence Inn *(Marriott) in surfside and we have a concern about replacing some of the landscaping on the property and have set up a meeting with the Town Manager. I would like to attend this meeting as an employee of the Hotel. Would it be ok for me to attend such a meeting? also, I would like to attend the Tourist Board meeting and have input on their meetings as a resident as well as an employee of the Hotel as part of my responsibilities is marketing . Just want to make sure I am legal.

Regards,

As always,

Eli Tourgeman