

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, March 22, 2017 9:07 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Russell Mackie, Shareholder, Waste Pro (City of North Miami contractor) (Gifts, Campaign Contributions) INQ 17-82

INQ 17-82 Mackie

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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, March 21, 2017 12:23 PM  
**To:** 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 17-82 Russell Mackie, Shareholder, Waste Pro (City of North Miami contractor) (Gifts, Campaign Contributions)

Mr. Russell Mackie, a shareholder for Waste Pro, the current contractor for waste hauling in the City of North Miami, inquired concerning the ethical or legal propriety of making campaign contributions to incumbent elected officials in the City of North Miami, where it is expected that Waste Pro will be competing for the new waste hauling contract, expected to be advertised in the next month. The election for the City of North Miami is scheduled for May.

I informed Mr. Mackie that a legal campaign contribution, i.e., one that is made in accordance with the limitations and reporting contributions in Chapter 112, Florida Statutes, does not fall within the definition of a gift in Section 2-11.1(e) of the County Ethics Code. In light of U.S. Supreme Court decisions that have held that making political campaign contributions falls under the First Amendment to the U.S. Constitution and “do not give rise to corruption or the appearance of corruption” (See *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)); and that an *explicit quid pro quo* would be necessary to prove bribery in the context of a legal campaign contribution (See *McCormick v. United States*, 500 U.S. 257 (1991)). In the absence of any local ordinance or regulation providing otherwise, such a contribution is permissible.

I further advised Mr. Mackie that he should avoid any discussion with an elected official about the upcoming contract award that referenced the campaign contribution or vice versa, to avoid any suggestion of an expectation that the campaign contribution was connected to or made for the purpose of influencing the vote on the contract.

*Joseph M. Centorino*

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