

**Prkic, Christina (COE)**

---

**From:** Prkic, Christina (COE)  
**Sent:** Tuesday, June 29, 2004 9:45 AM  
**To:** ~~David M. Wolpin~~; Prkic, Christina (COE)  
**Cc:** 'Alex Palenzuela'; Meyers, Robert (COE)  
**Subject:** RE: Ethics Luncheon

JNO 04-78

We're not sure why. The County Manager's office or the County Attorney would probably have a better explanation.

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

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]  
Sent: Monday, June 28, 2004 5:12 PM  
To: Prkic, Christina (COE)  
Cc: Alex Palenzuela; Meyers, Robert (COE)  
Subject: RE: Ethics Luncheon

Thanks for your assistance and advice.  
Any explanation as to why this amendment, unlike the others, was not publicized or advised of in advance by letter to city officials from the County?

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

From: Prkic, Christina (COE) [mailto:cprkic@miamidade.gov]  
Sent: Monday, June 28, 2004 5:12 PM  
To: David M. Wolpin  
Cc: Alex Palenzuela; Meyers, Robert (COE)  
Subject: RE: Ethics Luncheon

Hi Dave:

I've discussed your questions with Robert and provide the following comments.

First, we believe that subsection (w) does apply to the municipalities, as provided for under 2-11.1 (a). Robert also discussed this specific question with the County Attorney's Office, and they agree. However, you can always ask the Ethics Commission for their opinion on this matter. Alternatively, you may inquire as to an "opt-out" provision for municipalities, as was done with the Cone of Silence.

Secondly, given that the provision states,..."directly or indirectly..." it may be construed to prohibit vendors from providing travel funds to the municipal entity as well, and not only to the officer or employee. Again, you may ask the Ethics Commission for an opinion about this specific issue. It is my understanding that the City of Miami Beach may seek clarification of this point from the Ethics Commission at its upcoming meeting, scheduled for August 18th at 10 a.m.

Should the Ethics Commission determine, if asked, that travel funds provided to the entity rather than directly provided to the employee or officer are permitted under subsection (w), cities would be well-advised to maintain some sort of record/log of such travel funds received and how they are disbursed and to whom.

Let us know if you'd like the Ethics Commission to opine on any of the issues you've presented in your email below.

Kind regards,  
Christina Prkic  
Staff Attorney  
Miami-Dade County Commission on Ethics and Public Trust  
P: (305) 350-0615

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

From: David M. Wolpin [mailto:DWolpin@wsh-law.com]  
Sent: Friday, June 25, 2004 4:06 PM  
To: Prkic, Christina (COE)  
Cc: Alex Palenzuela  
Subject: RE: Ethics Luncheon

Thanks. On this new travel expense provision. I do not recall it being distributed to the cities prior to adoption in accordance with the normal procedure.

Further, perhaps it should not be construed to prohibit a vendor from providing travel expense funds directly to the County or City entity, rather than to an officer or employee. Do you agree?

Further, it may be that it was not intended to apply to cities, and thus advance notice was not given. While references to County personnel may be converted to municipal personnel under Sec. 2-11.1 (a), it may require further ordinance text in order to convert a reference to a county vendor to a municipal vendor.

Kindly discuss this with Robert and advise us of your thoughts and guidance on this. Thank you. -----Original Message-----

From: Prkic, Christina (COE) [mailto:cprkic@miamidade.gov]  
Sent: Friday, June 25, 2004 3:42 PM

To: Alejandro Vilarello; Alex Palenzuela; Alicia Robles; Alison S. Bieler; Charles Citrin; Craig B. Sherman; Cynthia A. Everett; David M. Wolpin; Deborah Arnold; Earl Gallop; Eve Boutsis; Evelyn Greer; Gary Held; Hans Ottinot; Henry Ferro; Jan Seiden; Jean Olin; Joe Geller; Joel Maxwell; John R. Herin; Jose "Peppy" Herrera; Jose Villalobos; Liz Hernandez; Lloyd Marks; Lynn Dannheisser; Maria J. Chiaro; Michael J. Marrero; Miriam Maer; Nina L. Boniske; Rafael Granado; Rafael O. Diaz; Ramon Irizarri; Raul Aguila; Richard Sarafan; Richard Jay Weiss; Robert Brochin; Rosen & Kreiling; Stephen Cypen; Warren Bittner; William Grodnick  
Subject: Ethics Luncheon

Greetings!

Thanks to those who attended the luncheon this afternoon. Per your request, I am forwarding information about the recent changes to the County's gift laws, as well as copies of the recent opinions pertaining to the application of the lobbying provisions to permit expeditors and plans reviewers. As I mentioned during the luncheon, the Ethics Commission will provide further clarification on the lobbying issues at its August 18th meeting.

Enjoy your weekend.

Christina Prkic  
Staff Attorney  
Miami-Dade County Commission on Ethics and Public Trust  
P: (305) 350-0615

Section 2-11.1 (w) Prohibition on acceptance of travel expenses from county vendors. Notwithstanding any other provision of this section, no person included in subsections (b)(1) (Mayor and Commissioners), (b)(5) (departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor,

service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.  
<http://www.miamidade.gov/govaction/matter.asp?matter=040706&file=true&yearFolder=Y2004>

<<opinionltr0433danger.doc>> <<opinionltr0448romito.doc>>

<b>Tracking:</b>	<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
	'David M. Wolpin'		
	Prkic, Christina (COE)	Delivered: 6/29/04 9:45 AM	Deleted: 6/29/04 1:50 PM
	'Alex Palenzuela'		
	Meyers, Robert (COE)	Delivered: 6/29/04 9:45 AM	Read: 6/29/04 10:00 AM