

NR 03-13

Meyers, Robert (COE)

To: john@webactivities.com
Subject: Ethics opinion

Mr. Feinberg,

Pursuant to our conversation, I wanted to provide with a written response to your question pertaining to applicants or their attorneys who appear before your community council who have contributed to the non-profit organization which funds your missionary work. After speaking with my staff attorney, the voting conflict section of the Code does not prohibit you from voting on matters where parties in front of your community council have pledged or given money to the non-profit organization with which you are affiliated. The voting conflict section would only require a recusal on your part if you had a special relationship that is defined in the law or if you stood to uniquely benefit from the actions of the community council. Given the facts you have presented to me, neither a special relationship nor a unique benefit exists that requires you to absent yourself from the proceedings.

If you have any further questions concerning the above, feel free to contact me at your convenience.

Sincerely,

Robert Meyers

Meyers, Robert (COE)

INQ 03-13

To: John Feinberg
Subject: RE: Ethics Opinion Needed

Mr. Feinberg,

Sorry I haven't responded sooner, but it's been a busy week. I spoke to our staff general counsel about your question and we agree that in your private capacity you can solicit contributions and donations for a non-profit organization; however, the Code of Ethics Ordinance bars you from engaging in any solicitation activities as a public official. What this means is you cannot mention the fact you are a public official, nor can you use official letterhead which indicates your title as a Miami-Dade County public official in your efforts to solicit contributions for the non-profit organization. Finally, you would not be permitted to solicit contributions during public meetings which you attend as a Miami-Dade County public official.

Another concern that we have is the fact that your fundraising efforts will provide you with a direct benefit. Most cases that we have dealt with involve public officials or employees who are seeking funding for non-profits where the benefits to them personally are less direct. I point this out only to remind you that you must be extremely careful how you go about fundraising for your missionary work.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert Meyers

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

From: John Feinberg [mailto:john@webactivities.com]
Sent: Monday, March 03, 2003 5:04 PM
To: rmeyers@miamidade.gov
Subject: Ethics Opinion Needed

Mr. Myers,

Per your request, here is my question as it relates to the Dade County Code on Ethics regarding elected public officials. Thanks for your timely response!

Can a public official (Commissioner, Community Council Member, etc) solicit and/or accept contributions on behalf of a missionary non-profit organization and, in turn, by the nature of being a missionary (having to raise personal support), be paid a FT or PT salary for work performed by the said organization for employment purposes?

Regards,

John Feinberg
West Kendall Community Council