

**Meyers, Robert (COE)**

IND0396

**From:** Marques, Javier (DIST11)  
**Sent:** Thursday, October 23, 2003 2:47 PM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Request for opinion

**Importance:** High

Thank You. I just have one question which is referenced in your letter. While agencies, schools, etc. determine who is in need, our office (the Commissioner) will actually hand out the canned goods, turkeys, or toys in the event of the XMAS toy drive. If this means the same, then please advise or revise the statement below so that I can give the staff one correct document to abide by.

Thanks for all your help.

Javier I. Marques, M S  
Chief of Staff  
Office of Commissioner Joe A. Martinez

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

**From:** Meyers, Robert (COE)  
**Sent:** Thursday, October 23, 2003 2:33 PM  
**To:** Marques, Javier (DIST11)  
**Cc:** Sanchez, Gerald (CA)  
**Subject:** Request for opinion

Javier,

Earlier in the week, you, Gerald Sanchez and I were part of conference call to discuss questions you had regarding Commissioner Martinez' involvement with Toys for Tots and a Thanksgiving Turkey Drive. In both cases, the Commissioner wishes to solicit gifts (either turkeys or toys) from third parties to distribute to the needy. It is my understanding that your office will not actually hand out the turkeys or the toys, but rather your office will deliver these gifts to charitable organizations and other community-based organizations in the District and these agencies will be responsible for determining who receives the turkeys and/or toys.

The question that you pose is whether the Commissioner may solicit gifts for these two purposes. An exception to the ban on gift solicitations by local public officials exists which permits Commissioners to solicit gifts on behalf of the County in their official capacity for use solely by the County in conducting its official business. The Ethics Commission has consistently extended this solicitation provision to the above mentioned activities. Clearly, there is a legitimate public purpose behind feeding the hungry and providing toys to impoverished children in this community. Given the fact that the County has a responsibility for the general welfare of its residents, it only stands to reason that elected officials should act in a manner consistent with this mandate.

The only remaining question becomes the proper method of solicitation. The Ethics Commission has expressed its concerns about targeting solicitations to those who are doing business with the County or who have some special connection to the elected official (such as campaign contributors). With this in mind, the Ethics Commission insists that all appeals for gifts should be as general as possible. Public service announcements and solicitations in District newsletters are examples of fundraising activities that are appropriate to satisfy this requirement. If timing does not permit such an approach, then the Commissioner should do his best to reach as many individuals and corporations as possible to ensure he is engaged in a broad-based effort to attract donations from a variety of sources.

If you need any additional information, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers  
Executive Director