

Meyers, Robert (COE)

From: Jones, Cynthia (C.J.) (COM)
Sent: Friday, October 24, 2003 4:11 PM
To: Meyers, Robert (COE)
Subject: RE: Request for opinion

INQ 03-98

Thanks

Cynthia A. Jones

Assistant Director
Communications Department
305-375-1196 (work)
305-736-7714 (pager)
CJJ@miami-dade.gov

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

From: Meyers, Robert (COE)
Sent: Friday, October 24, 2003 3:49 PM
To: Jones, Cynthia (C.J.) (COM)
Subject: RE: Request for opinion

Ms. Jones,

The COE general counsel and I discussed this matter and we believe it is a perfectly reasonable request. In fact, I suggested this form of solicitation, because it is general in nature and does not target any specific individuals or corporations.

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

Thanks,

Robert Meyers

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

From: Jones, Cynthia (C.J.) (COM)
Sent: Friday, October 24, 2003 10:23 AM
To: Meyers, Robert (COE)
Cc: Mendieta, Juan (COM); Patchen, Donn (COM); Chin, Gregory (COM)
Subject: FW: Request for opinion

Good morning,

I have attached below an email from Esther Abolila of Commissioner Martinez' staff. Miami-Dade Television has not produced PSA's for solicitations of any kind in the past. I'd like your opinion on whether this is something we can do.

Thank you.
Cynthia A. Jones

Assistant Director
Communications Department
305-375-1196 (work)
305-736-7714 (pager)
CJJ@miami-dade.gov

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

From: Abolila, Esther (DIST11)
Sent: Tuesday, October 21, 2003 1:26 PM
To: Chin, Gregory (COM)
Cc: Carroll, Tarnell (COM)
Subject: PSA
Importance: High

Hi Guys!

As per our conversation this morning, I would like to have PSA's in Spanish and English, prepared for the Commissioner to tape for both radio and TV in order to reach out to the businesses and individuals in the community for their donations. We are planning to donate turkeys to the 17 elementary schools in our district as well as certain religious organizations, for those less fortunate families.

Please prepare the PSA and forward to me for the Commissioner's review.

Thanks
Esther

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

From: Abolila, Esther (DIST11)
Sent: Friday, October 24, 2003 10:07 AM
To: Jones, Cynthia (C.J.) (COM)
Subject: FW: Request for opinion

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

From: Marques, Javier (DIST11)
Sent: Thursday, October 23, 2003 3:26 PM
To: Abolila, Esther (DIST11)
Subject: FW: Request for opinion

Esther,

Please print and open file.

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

Miami-Dade County is a public agency subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mails sent and received are captured by our servers and kept as a public record.

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

From: Meyers, Robert (COE)
Sent: Thursday, October 23, 2003 2:55 PM
To: Marques, Javier (DIST11)
Subject: RE: Request for opinion

The fact that the Commissioner will actually hand out the food and toys does not change the opinion.

Robert

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

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

Miami-Dade County is a public agency subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All e-mails sent and received are captured by our servers and kept as a public record.

-----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 questions become 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 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