

OFFICE OF THE INDEPENDENT ADVOCATE
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
REPORT OF INVESTIGATION

K #: 10-034 Doral Open Tickets

Date Opened: March 4, 2010

Date Closed: April 27, 2010

Name of investigator: Arthur D. Skinner
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Allegation:

This investigation was predicated upon the receipt of information Doral City Councilman Pete Cabrera (Cabrera) that City of Doral Manager Yvonne Soler-McKinley (Soler-McKinley) may have violated Section 2-11.1 of the Code of Miami-Dade County, the County's Conflict of Interest and Code of Ethics Ordinance, (e) Gifts—definition, prohibitions, exceptions, and disclosure requirements.

Cabrera alleges Soler-McKinley accepted the Doral Golf Tournament tickets from Doral Golf Resort/Morgan Stanley to distribute for City staff. Cabrera stated that the City supplies the PGA/ Doral Golf Tournament with complimentary police services during the Doral Open each year. The PGA/ Doral Golf Tournament in return gives the City tickets for the Doral Open. It is Cabrera's position the tickets given to the Manager are gifts, the PGA/ Doral Golf Tournament and Doral Golf Resort/Morgan Stanley are separate entities, and PGA/ Doral Golf Tournament not Doral Golf Resort/Morgan Stanley are the operators of the Doral Open event. Additionally, there may be an appearance of impropriety because there is pending litigation between the City and Doral Golf Resort/Morgan Stanley over the City master plan.

Investigation:

On April 27, 2010, COE Investigator Art Skinner interviewed Yvonne Soler-McKinley by telephone (305) 593-6690 Cell: (305) 926-5552. The purpose of the interview was explained to Soler-McKinley and she gave the following information:

Soler-McKinley stated that Councilman Cabrera has complained on various occasions about the relationship between the City and Doral Golf Resort owners Morgan Stanley. Cabrera had voiced his concerns that giving the Doral Golf Tournament tickets to City employees gave an appearance impropriety and were gifts that should be reported as such, since the value of each ticket was over \$100.00. Although the City is involved in litigation with Doral Golf Resort/Morgan Stanley the City contracts with them for free police services during the Doral Golf Tournament. Soler-McKinley does not think there is any problem accepting complimentary tickets from Doral Golf Resort/Morgan Stanley since they are one of the sponsors of the Doral Golf Tournament and also are recipients of the City supplied police services.

The Doral City Council approved an agreement with the 2010 WCG- CA Championship Golf Tournament at the February 10, 2010 council meeting. In exchange for police services the CA Championship Management donated to charities, and agreed to give the Mayor and City Council two complimentary tickets each. A dignitary list was given to CA Championship for other ticket requests.

CONCLUSION:

On February 23, 2010 the Ethics Commission staff gave the following Opinion to Cabrera via E-mail:

From: Frigo, Victoria (COE) [FRIGOV@miamidade.gov]
Sent: Tuesday, February 23, 2010 4:30 PM
To: Councilman Cabrera
Subject: RE: Possible Violations (INQ 10-38)

Councilman Cabrera,

In an email to our office on Feb. 20, 2010, you asked about the proper handling of tickets given to the City of Doral for certain City officials and personnel to attend the Doral Golf Tournament. You said that the City receives these tickets in exchange for providing free police services to the Doral Golf Resort, a private entity, during the time of the Doral Golf Tournament. The Ethics Commission is limited to giving ethics opinions to individuals within its jurisdiction about their own future conduct. Therefore, we are responding specifically to you in your capacity as a City Councilman as to the

question of whether you must disclose, as a gift, tickets given to you to attend the Doral Golf Tournament this coming year, from March 8-14, 2010, under the circumstances described above.

Based on the Miami-Dade County Ethics Code at Sec. 2-11.1 (e), and after consulting with Robert Meyers, Executive Director, it is the opinion of the Ethics Commission staff that—

The tickets are *not* gifts to you that you must disclose because of the following facts:

- The City appears to be providing adequate consideration for tickets to the Doral Golf Tournament in the form of free police services to the Doral Golf Resort.
- Your presence at the Doral Golf Tournament, an important event in the City, is necessary due to the official position you hold as City Councilman representing the City.

The County Ethics Code does not address the appropriateness of accepting gifts from companies with lawsuits against the City. If you feel an appearance of impropriety is created by accepting such gifts, you may govern your actions accordingly. However, please note that Morgan Stanley purchased the Doral Golf Resort and partially subsumed the Resort's former owner, CNL, in 2007. It appears that the City sees no obstacle in contracting with the Doral Golf Resort/Morgan Stanley to provide free police services in spite of pending litigation with the Doral Golf Resort/Morgan Stanley.

The Ethics Commission has no jurisdiction to address personnel issues such as the amount of discretion the City Manager may use in distributing tickets. However, if you believe an individual's behavior rises to the level of an exploitation of official position, please contact us again to discuss filing a complaint with the Ethics Commission.

Sincerely,
Victoria Frigo, Staff Attorney
Miami-Dade County Commission on Ethics
Direct Phone: 305 350-0601

Fax: 305 579-0273