

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K 12-157/ C12-041

Date Opened: 10/17/12

Date Closed: 11/10/12

Name of Investigator: Manuel W. Diaz

Allegation:

Al Crespo (Crespo) filed a complaint with the Miami-Dade County Commission on Ethics and the Public Trust (COE). In the Complaint, Crespo alleged that City of Miami (Miami) Commissioner Marc Sarnoff (Sarnoff) failed to file a required State of Florida, Gift Disclosure Form 9 with the City of Miami Clerks Office within the required period.

Applicable Legislation:

The 2012 Florida Statutes

“112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—
(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less...”

Miami Dade County Conflict of Interest and Code of Conduct Sec. 2-11.1 (e) Gifts.

“(1) Definition. The term “gift” shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.
(4) Disclosure. Any person included in the term defined in Subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100 .00) . Said disclosure shall

be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for “local officers” with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State.”

M-D Commission on Ethics and Public Trust - C11-014

In C11-014 the COE opined that the airfare provided to the wife of Respondent Jorge Gonzalez was considered an indirect gift to a public officer. See Florida Ethics Commission CEO 06-07- December 6, 2006. (Copy in investigative file)

Historical:

The Volvo Ocean Race 2011-2012 (Race) is an international boat race consisting of 10 ports. The 2011-2012 Race includes six vessels leaving South Africa on October 29, 2011 and ending Ireland in on July 7, 2012. Miami is the sixth port visited.

Interviews:

Marc Sarnoff, City of Miami Commissioner

Sarnoff was interviewed in the offices of the COE. Sarnoff was represented by John Dellagloria, Esq., John C. Dellagloria P. A. PO Box 560333, Pinecrest, Florida 33256. Sarnoff explained that, as a Miami Commissioner, he was involved in bringing the Race to Miami. He continued that as the Race proceeds throughout the various ports it is traditional for the Mayor of the host city, in this case Itaja, Brazil, to invite the Mayor of the next city to be visited, Miami, to the Itaja to attend the Race ceremonies. Miami Mayor Tomas Regalado received an invitation from the Mayor of the host city but declined to attend. Regalado passed the invitation to Sarnoff. Sarnoff accepted on behalf of the City.

Sarnoff explained that he is the Chair of the Miami Downtown Development Authority (DDA). The DDA was a contributor to Miami’s host city activities and the Race activities were the located in Downtown Miami.

After receiving the invitation, Sarnoff spoke to representatives from the Greater Miami Convention and Visitors Bureau (GMCVB). The GMCVB scheduled Sarnoff to contact GMCVB representatives in Rio de Janeiro and San Palo to discuss GMCVB business, while in Brazil. In return, the GMCVB agreed to reimburse Sarnoff for hotel and ground transportation. Sarnoff advised that the GMCVB scheduled the meetings and provided an itinerary. Sarnoff advised that he paid his and his wife's air transportation. He was later reimbursed for both airfares by the Race organizers.

Sarnoff advised that he contacted Miami City Attorney Julie Bru (Bru) prior to the trip. Bru verbally opined that the trip was not a gift, and that Sarnoff was not required to file a gift disclosure. Bru later, at the request of the COE, opined in a memorandum which has been included in the investigative file.

Tomas Regalado (Regalado), City of Miami Mayor

Regalado was interviewed via telephone. He advised that he was invited to attend the Race ceremonies. Regalado advised that he had never intended to attend. The invitation was extended to Sarnoff.

Regalado advised that Miami does not pay or reimburse for travel to attend events like the Race. He is not aware how the Sarnoff travel was funded.

William D. Talbert III, (Talbert) President GMCVB

Talbert confirmed that the GMCVB had reimbursed Sarnoff for hotel and ground transportation. He did not recall how the agreement between Sarnoff had been reached, whether the GMCVB had first contacted Sarnoff or whether Sarnoff had contacted the GMCVB.

Rolando Aedo (Aedo), Executive Vice President / Chief Marketing Officer GMCVB

Aedo was interviewed via telephone. He confirmed that the GMCVB had reached an agreement where Sarnoff would contact GMCVB representatives in Brazil during the trip to Itaja. The GMCVB agreed to reimburse Sarnoff for hotels and ground transportation. He did not recall how the agreement had been reached; whether the GMCVB had first contacted Sarnoff or whether Sarnoff had contacted the GMCVB.

Aedo provided copies of Sarnoff's itinerary and copies of documentation, submitted by Sarnoff, requesting reimbursement.

Documentation provided by GMCVB

The documents provided by the GMCVB indicate that the following reimbursements were made to Sarnoff. Sarnoff's was billed in Brazilian currency by the provider of the services. The documents reflect reimbursement in US currency.

Porto Ray (Hotel) (Rio de Janeiro)	\$780.63
Intercontinental (Hotel) (San Paulo)	\$1295.04
Ground Transportation (Rio De Janeiro)	<u>\$572.00</u>
Total	\$2653.67

Alyce Robertson (Robertson), Executive Director DDA

Robertson was interviewed via telephone. Robertson advised that she attended the Race in Itaja representing the DDA. The DDA was a host agency for the Race while in Miami. The DDA had also contributed \$50,000.00 to the Race. She advised that Sarnoff also attended the Race ceremonies. She traveled with Sarnoff to Rio de Janeiro and San Palo. She provided copies of her schedule and document she submitted to the DDA documenting her expenditures.

(Copies in file)

Note:

As part of COE Complaint, Crespo provided a copy of a CMCVB check # 0772625 which reflects a payment of \$2647.67 to Sarnoff. The check reflects a reimbursement to Sarnoff for the trip to Rio de Janeiro, Itaja and San Paulo. The check corresponds to the copy of a check provide to the COE along with documentation supporting the payment by Aedo. (Copy in file)

Conclusion:

The instant case was been turned over to the Advocate for probable cause determination.