

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST



LETTER OF INSTRUCTION

To: City of Miami Commissioner Marc Sarnoff
From: Miami-Dade County Commission on Ethics and Public Trust
Re: C12-041 (Crespo v. Sarnoff)
Date: December 18, 2012

An ethics complaint was filed against City of Miami Commissioner Marc Sarnoff (Sarnoff) alleging among other things, that he failed to file a Gift Disclosure Form within the required period, disclosing the cost of his and his wife's airfare, paid for by the Volvo Ocean Race organization, when she accompanied him on a trip to Brazil.

After conducting a hearing, the Ethics Commission determined that with regard to the Commissioner's trip, which was paid for in part by the Greater Miami Convention Visitors Bureau a letter of instruction would be directed to the City Attorney, not to Mr. Sarnoff.

The Commission made this determination because the evidence supports Sarnoff's claim that he relied on the reasonable advice of the City Attorney and her determination that Sarnoff was not required to disclose the costs of his trip for which he was reimbursed.

With regard to the expenses related to the travel of Mrs. Sarnoff, this Commission found that Mr. Sarnoff should have separately disclosed the receipt of those expenses as a gift. This Commission determined that Mr. Sarnoff should be directly issued a Letter of Instruction concerning that portion of the complaint.

Wherefore, the Miami-Dade County Commission on Ethics and Public Trust issues this Letter of Instruction.

During the course of the investigation Sarnoff admitted that he was separately reimbursed for approximately \$700.00 for his wife's airfare by Volvo Ocean Race. Sarnoff should have declared this reimbursement as a gift.

A similar factual situation was addressed in this Commission's holding in complaint C11-14. In that case, the City of Miami Beach paid for the City Manager and his wife to travel to Basel, Switzerland to participate in various events related to the Basel Art Festival and other official city business.

In Florida Ethics Commission (FEC) opinion C06-27, they opined that the trip for the manager's wife was reportable by the manager as it was a gift to him. Similarly, although Sarnoff was arguably engaged in city related business while in Brazil, his wife was not. Her presence on the trip as a companion to Sarnoff was a gift to him that should have been reported. Sarnoff's failure to report that gift constitutes a violation of 2-11.1(g) of the Miami-Dade County Conflict of Interest and Code of Ethics.

By issuing this Letter of Instruction, we hope to educate not only Commissioner Sarnoff but all elected and appointed officials and government employees. The laws concerning what does and does not constitute a reportable gift can be complicated and often hinge on the facts of a specific case. We hope that Commissioner Sarnoff will take this Letter of Instruction to heart and use it as a guide in the future. We encourage Commissioner Sarnoff to seek opinions from this Commission whenever he has a question as to the applicability of the ethics code.