

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, January 19, 2018 11:20 AM
To: Sanchez, Rodzandra (COE)
Subject: Esther Caravia-Abolila, Chief of Staff to Carlos A. Migoya, President and Chief Executive Officer, Jackson Memorial Hospital (Gifts Ticket Policy) INQ 18-11
Attachments: 2018 Financial Disclosure Chart - Final.pdf; finalticketpolicy.doc; ticketpolicyaddendum.pdf

INQ 18-11 Caravia-Abolila

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

From: Centorino, Joseph (COE)
Sent: Thursday, January 18, 2018 5:00 PM
To: Esther.Abolila@jhsmiami.org; Shy, Eugene (CAO) <Eugene.Shy@miamidade.gov>
Cc: Lourdes Cuevas (JHS) <lcuevas@jhsmiami.org>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: INQ 18-11 Esther Caravia-Abolila, Chief of Staff to Carlos A. Migoya, President and Chief Executive Officer, Jackson Memorial Hospital (Gifts)

Ms. Caravia-Abolila:

You have inquired regarding whether there would be any ethical prohibitions in connection with the distribution by Jackson Memorial Hospital (Hospital) management employees, of tickets to an upcoming gala fundraising event sponsored by the Jackson Health Foundation (Foundation), a not-for-profit organization. The tickets in question were sold by the Foundation, a fundraising arm of Jackson Hospital, to various individuals at a face value of \$1000 each, to attend the gala. Some organizations and/or individuals who purchased these tickets at the \$1000 price have returned the tickets to the Foundation for its distribution to individuals who may be interested in attending the event. In turn, the Foundation has provided these tickets to the Hospital management for its distribution within its discretion. The Hospital management is interested in distributing them to employees of the hospital to enable them to attend the event.

There is no prohibition under Section 2-11.1(e) of the County Ethics Code to the receipt by County employees (including Jackson employees) of gifts unless those gifts are provided in connection with the performance of their public duties or some act or decision related to their public duties. In this situation, it is my understanding that the gift of the tickets from the original purchasers to the Foundation, as well as the gift of the tickets from the Foundation to the Hospital, and the anticipated gift of the tickets by the Hospital to the recipient employees is not targeted in any way to particular employees for an improper purpose that would be covered by the latter section. It is my understanding, in fact, that the tickets have not been targeted for any particular employees, either by the original purchasers or the Foundation, and that it is the intent of the Hospital to make them available to the employees on a first-come, first-served basis. It is understood that some of the original tickets to be distributed were purchased by individuals or entities doing business with the Hospital or representing businesses engaged at the Hospital, none of them were targeted for specific employees, nor were they solicited by employees. Therefore, I am of the opinion that they would not be considered prohibited gifts under Section 2-11.1(e), or would they violate Jackson's internal policy prohibiting employees from accepting gifts from individuals or entities doing business with the Hospital.

There are several other considerations involved however.

First, any County employee receiving a gift valued in excess of \$100.00 is required, pursuant to Section 2-11.1(e)(4) of the Ethics Code to disclose such gifts on the County Gift Disclosure form, or, if a recipient Hospital employee is an individual required under Section 112, Florida Statutes, to file Annual Financial Disclosure with the State of Florida, to disclose them on Form 9 (both forms are available on the attached financial disclosure chart). Therefore, any employee of Jackson, as a County employee, who receives one or more of these tickets would need to disclose each of them as a gift from Jackson Memorial Hospital at the face value of \$1000 per ticket.

I discussed with you the prohibitions under Section 112.3148, Florida Statutes, that limit any individual in local government who files financial disclosure with the State, from accepting a gift in excess of \$100 from any lobbyist of the agency, contactor/vendor of the agency, or a political committee. However, after consulting with the General Counsel of the Florida Commission on Ethics, I have concluded that this prohibition would not apply since the gifts are not being targeted to the employees, directly or indirectly, by any of the prohibited donors, but rather being provided by the Hospital itself.

An addition issue is raised, however, by the fact that these tickets have been donated not to any particular individuals, but rather to the Hospital itself, which is a public agency. Therefore, these tickets are considered to be public property which must be dispensed by the Hospital for a legitimate public purpose, just as any other asset of the Hospital, such as public funds or equipment, would need to be utilized for a proper public purpose. This is in accord with the ticket policy and addendum adopted in 2011 by the Commission on Ethics, both of which are also attached. One way to do so would be to advertise them as available to the general public on a first-come first served basis and to distribute them accordingly. It would be permissible for any Hospital or County employee to avail himself or herself of such tickets in accordance with such an open distribution policy. It is suggested, however, that a record be kept of the individuals who are the recipients of the tickets. The Hospital may also distribute them to particular employees as long as it can ascribe an appropriate public purpose for such distribution. For instance, if it is deemed to be in the interest of Jackson Memorial Hospital or Miami-Dade County for particular individuals to be present at this function for the purpose of representing the Hospital at such a significant event, then the distribution to such designated individuals may occur, but only if there is such a valid public purpose to be served by their presence at the event.

Please contact me if you have any further questions.

Sincerely,

Joe Centorino

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov

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

From: Abolila, Esther [mailto:esther.abolila@jhsmiami.org]
Sent: Wednesday, January 17, 2018 10:16 AM
To: Shy, Eugene (CAO) <Eugene.Shy@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Lourdes Cuevas (JHS) <lcuevas@jhsmiami.org>
Subject: RE: RE:

Lourdes, will set up a conference call line for 2 pm! Thank you, all!

Esther Caravia-Abolila
Chief of Staff to Carlos A. Migoya
President and Chief Executive Officer

Jackson Memorial Hospital
Executive Offices - West Wing 117
1611 NW 12th Avenue
Miami, FL 33136
Phone: 305-585-6754
Fax: 305-324-0065
Esther.Abolila@jhsmiami.org

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

From: Shy, Eugene (CAO) [mailto:Eugene.Shy@miamidade.gov]
Sent: Wednesday, January 17, 2018 10:00 AM
To: Centorino, Joseph (COE)
Cc: Abolila, Esther
Subject: Re: RE:

And me also

Sent from my ShyPhone

> On Jan 17, 2018, at 9:58 AM, Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov> wrote:

>
> 2PM is fine for me.

>
> -----Original Message-----

> From: Abolila, Esther [mailto:esther.abolila@jhsmiami.org]
> Sent: Wednesday, January 17, 2018 9:49 AM
> To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Shy, Eugene (CAO) <Eugene.Shy@miamidade.gov>
> Subject: RE:

>
> Thanks, Joe.

>
> I am available after 2 pm. Gene are you available at 2 pm?

>
> Esther Caravia-Abolila
> Chief of Staff to Carlos A. Migoya
> President and Chief Executive Officer

>
> Jackson Memorial Hospital
> Executive Offices - West Wing 117

> 1611 NW 12th Avenue
> Miami, FL 33136
> Phone: 305-585-6754
> Fax: 305-324-0065
> Esther.Abolila@jhsmiami.org

>
>
> -----Original Message-----

> From: Centorino, Joseph (COE) [mailto:Joseph.Centorino@miamidade.gov]
> Sent: Wednesday, January 17, 2018 9:35 AM
> To: Shy, Eugene (CAO)
> Cc: Abolila, Esther
> Subject: RE:

>
> I am tied up this morning with an Ethics Commission meeting, but should be available around 1PM.
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> -----Original Message-----

> From: Shy, Eugene (CAO)
> Sent: Tuesday, January 16, 2018 5:56 PM
> To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
> Cc: Esther.Abolila@jhsmiami.org
> Subject:

>
> Do you have time tomorrow for a short call?

>
> Sent from my ShyPhone

>