

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 21, 2018 9:18 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-204 Al Dotson, Esq., Bilzin Sumberg, Miami-Dade County Lobbyist (Gifts)
Attachments: Section 112.3148, Florida Statutes.html; CE Form 30.LobbystVendorGiftsOver\$25.pdf; CEO 16-3 — Educational Events Sponsored by Principal of Lobbyists.htm

INQ 18-204 Dotson

From: Centorino, Joseph (COE)
Sent: Monday, August 20, 2018 4:08 PM
To: 'Albert E. Dotson, Jr.' <adotson@bilzin.com>
Cc: 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>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-204 Al Dotson, Esq., Bilzin Sumberg, Miami-Dade County Lobbyist (Gifts)

Dear Mr. Dotson,

You have inquired concerning whether there may be any ethical prohibitions in connection with a proposed event to be sponsored by your law firm, Bilzin Sumberg. You have informed that you and the firm are planning to sponsor an educational event that will address issues connected to development in the County. The firm will extend an invitation to approximately two hundred persons, which will include many elected and appointed public officials around the County. This day-long event will take place at your law firm offices. There will be invited speakers, including elected and appointed public officials, as well as subject matter experts, who will address the invitees. No fees will be paid by your firm to any of the speakers. The only out-of-pocket expenses you anticipate that the firm will incur will be the provision of lunch for the attendees, which you expect to amount to far less than \$100 per person. You have stated that the purpose of the event is solely educational, and that there will be no lobbying taking place by you or your colleagues or clients during the event. You believe that everyone attending the event, will gain the benefit of hearing from decision-makers and experts who will provide important information and viewpoints that will be helpful to all attendees, public and private, in connection with their work endeavors.

Since you and your firm are not in the business of providing educational events such as this one, and because no fees will be charged in connection with the event, which, according to your description, will serve public purposes unrelated to any intent to influence a public official or employee in connection with any public action or duty, it is my opinion that the invitations extended to the public officials or employees to attend the event would not be prohibited under Section 2-11.1(e)(3) of the County Code of Ethics. While I am sure that you and your firm will receive the gratitude and some amount of goodwill from the event, which may be considered to be an aspect of lobbying, such a generalized benefit would not cause a violation of the County Ethics Code. The event as a whole may be considered to serve a legitimate public purpose in educating and informing public officials and employees on important issues in the County. The only costs you anticipate in connection with the event, for the luncheon, which would come under the definition of a gift in Section 2-11.1(e), will not exceed \$100, and therefore, would not be required to be reported by the attendees under Section 2-11.1(4). I would note that, if the firm is covering the cost of parking and/or providing written materials to the attendees, then the amounts of such expenses would also be considered part of the gift and should be added to the cost of the lunch. However, it still seems unlikely that the costs of the lunch and other incidental expenses would exceed \$100.

Therefore, I have concluded that the County Ethics Code would not be violated by the sponsorship by your firm of this event.

This agency has no authority to provide definitive opinions regarding Section 112.3148, Florida Statutes (attached), but you should be made aware of the provisions of that statute. In the event that you have any questions about the applicability of its provisions, then you may want to consider requesting an opinion from the State of Florida Commission on Ethics. Under that statute, there is a strict prohibition against the provision or acceptance of any gift in excess of \$100 to a RIPE, i.e., a reporting individual or procurement employee of a governmental entity. This would apply to any local elected official, as well as to appointed officials or employees involved in the procurement process. Gifts under this statute are valued based on the actual cost to the donor, pursuant to Section 112.3147(a), Florida Statutes. As noted above, it appears that this should not be a problem if the total value of the gift, as explained above, would not exceed \$100. Under CEO 16-3 (attached) there is support from the State Ethics Commission for the position that the event itself, apart from expenses incurred by your firm, would not be valued as a gift. You should be advised, however, that, pursuant to Section 112.3148(5)(b), a lobbyist providing a gift valued in excess of \$25 to a RIPE is required to report the gift in CE Form 30 (attached).

In the event that there is any further information that you feel should be related to us in connection with this opinion, please contact us.

Sincerely,

Joe Centorino

Joseph M. Centorino

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