

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, February 20, 2018 10:33 AM
To: Sanchez, Rodzandra (COE)
Subject: Rebeca Sosa, Miami-Dade County Commissioner (DIST6) (Gift Disclosure) INQ 18-49

INQ 18-49 Aguirre

From: Centorino, Joseph (COE)
Sent: Friday, February 16, 2018 5:32 PM
To: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>
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>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-49 Rebeca Sosa, Miami-Dade County Commissioner (DIST6) (Gift Disclosure)

Ms. Aguirre:

This is in response to whether Miami-Dade County Commissioner Rebeca Sosa would need to disclose, under Section 2-11.1(e)(4) of the County Ethics Code, a performance by Mariachi singers provided to her at her office by the Miami-Dade Firefighters Union on Valentine's Day. It is my understanding that a delegation from the union arranged for the Mariachi singers to go to her office on Valentine's Day to conduct a brief performance for the Commissioner, and that she would like to know whether that is a disclosable gift under the County ordinance.

It is my opinion that it is not a disclosable gift under the ordinance, even assuming it had a value in excess of \$100. Although there is a category for "entertainment" under the definition of "gift" in the ordinance, Section 2-11.1(e)(1), I would not apply it to these circumstances. Obviously, Commissioner Sosa did not solicit this performance and received it unexpectedly. There is no reasonable likelihood that she could have declined it even if she did not want it. There was also no way for her to return it. I understand that it was likely paid for by the union at a cost that may have exceeded \$100, but it left her with no residual value. It is not like a ticket to an entertainment venue which has a clear value and could be transferred to another person or returned to the donor. It was directed to and provided solely to her in a way that it could not be rejected. Moreover, it appears that it was not provided for any inappropriate purpose, but rather to honor the Commissioner. It is my opinion that common sense dictates that it need not be disclosed as a "gift" under the County Ordinance.

This opinion does not address any requirement under the State of Florida Ethics Code requiring disclosure of gifts, which is subject to interpretation and enforcement by the State of Florida Ethics Commission.

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

