

FNG 09-138

**Meyers, Robert (COE)**

**From:** David M. Wolpin [DWolpin@wsh-law.com]  
**Sent:** Wednesday, August 12, 2009 5:31 PM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Ethics Question re NALEO reimbursement

Hi Robert- great, thanks very much.  
 Kindly express my appreciation to Victoria for her assistance .

**David M. Wolpin, Esq.**  
 Member

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**From:** Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]  
**Sent:** Wednesday, August 12, 2009 5:15 PM  
**To:** David M. Wolpin  
**Subject:** FW: Ethics Question re NALEO reimbursement

Hi David:

I asked Victoria to conduct some research on the NALEO question and she found at least two opinions where we concluded that a public official has not received a gift when a third party underwrites the cost of the local public official's travel when he/she is traveling on official government business. In this particular case, I find the following facts to be relevant as well: NALEO is not a city vendor and an elected official who is a NALEO board member is engaged in official city business. Therefore, the elected official has not received a gift under the county's Conflict of Interest and Code of Ethics Ordinance.

Feel free to contact me should you wish to discuss.

Thanks,

8/13/2009

Robert

**From:** Frigo, Victoria (COE)  
**Sent:** Wednesday, August 12, 2009 4:06 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Ethics Question re NALEO reimbursement

Robert,

David Wolpin of WSH asked the following:

Must a city council member who serves on the board of directors of NALEO (National Association of Latino Elected Officials) disclose as a "gift" travel expenses to board meetings that are paid by NALEO. NALEO is not a city vendor.

Past opinions suggest that payments of travel expenses are not gifts that must be reported if the council member is engaged in activities that are relevant to his or her official duties and that ultimately benefit his or her constituents.

- In INQ 04-51, Corrine Brody, an assistant to the county manager, was allowed to accept a free conference registration from a non-county vendor because the conference was aimed at improving employees' managerial performance. Ms. Brody was responsible for developing innovative management practices in the county.
- In INQ 03-126, Ricky Schechtman was allowed to accept travel and lodging expenses from the National Center for State Courts (NCSC), a non-county vendor, because his work on a NCSC traffic court committee was relevant to his position with the Clerk of the Courts.

You may recall that in 2007 we looked into NALEO's policy of providing free travel to NALEO conferences to all members. In that case, we concluded that the expenses were not a gift because they comprised part of one's membership in NALEO. Identical travel expenses were offered to all NALEO members who paid a \$100 annual membership fee.

If NALEO routinely provides travel expenses for all board members to attend board meetings, that also contributes to viewing the travel payments not as gifts.

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 Miami-Dade Co. Commission on Ethics  
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**From:** David M. Wolpin [mailto:DWolpin@wsh-law.com]

8/13/2009

**Sent:** Tuesday, August 11, 2009 3:00 PM  
**To:** Meyers, Robert (COE)  
**Cc:** David M. Wolpin  
**Subject:** Ethics Question

Hi Robert- I hope that you are doing well.

By analogy to the gift exemption provided by Sec. 112.312 (b) (8) , F.S., do you construe Section 2-11.1(e) of the County Ethics Code to recognize that if a City Council member serves on the Board of Directors of the NALEO ( the national association of latino elected officials) the gift disclosure and reporting requirements of the County Ethics Code are not applicable for travel to NALEO Board Meetings which are paid for by that non- profit entity?

Thank you.

**David M. Wolpin, Esq.**  
Member

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