

**Date:** May 4, 2009  
**To:** File  
**From:** Victoria Frigo  
**Subject:** INQ 09-61 Ilene Temchin, City of Miami Assistant City Attorney

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Ilene Temchin asked about a gift she received from a developer who has obtained a loan from the City of Miami CRA to build inner-city housing. Ms. Temchin is the city attorney who oversaw the loan documents involving the developer, although she had no authority to approve the loan. The gift was a book valued at \$20.

I advised Ms. Temchin that the City of Miami Code at § 2-613 prohibited accepting gifts from anyone with a “contract” with the city, unless the gift is for the “use and benefit of the city.” Ms. Temchin stated that the person who gave the gift has a loan agreement (*i.e.*, contract) with the city.

Based on our initial discussion, Ms. Temchin said she would email the developer that the book will be donated to the next United Way book drive sponsored by the city. However, subsequent to our discussion, Ms. Temchin brought the matter to the attention of Maria Chiaro at the City Attorney’s Office. Ms. Chiaro advised Ms. Temchin that city policy provided that something valued under \$100 was not a gift. Therefore, Ms. Temchin is choosing to keep the book for her personal use.

Below is the relevant section of the City of Miami Code:

*Sec. 2-613. Accepting gifts, etc., from persons contracting, etc., with city.*

Every officer, official or employee of the city, including every member of any board, commission or agency of the city, is expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the city. (Emphasis added.)