

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, February 23, 2010 4:31 PM
To: 'Pete.Cabrera@cityofdoral.com'
Subject: RE: Possible Violations (INQ 10-38)

Councilman Cabrera,

In an email to our office on Feb. 20, 2010, you asked about the proper handling of tickets given to the City of Doral for certain City officials and personnel to attend the Doral Golf Tournament. You said that the City receives these tickets in exchange for providing free police services to the Doral Golf Resort, a private entity, during the time of the Doral Golf Tournament.

The Ethics Commission is limited to giving ethics opinions to individuals within its jurisdiction about their own future conduct. Therefore, we are responding specifically to you in your capacity as a City Councilman as to the question of whether you must disclose, as a gift, tickets given to you to attend the Doral Golf Tournament this coming year, from March 8-14, 2010, under the circumstances described above.

Based on the Miami-Dade County Ethics Code at Sec. 2-11.1 (e), and after consulting with Robert Meyers, Executive Director, it is the opinion of the Ethics Commission staff that—

The tickets are *not* gifts to you that you must disclose because of the following facts:

- The City appears to be providing adequate consideration for tickets to the Doral Golf Tournament in the form of free police services to the Doral Golf Resort.
- Your presence at the Doral Golf Tournament, an important event in the City, is necessary due to the official position you hold as City Councilman representing the City.

The County Ethics Code does not address the appropriateness of accepting gifts from companies with lawsuits against the City. If you feel an appearance of impropriety is created by accepting such gifts, you may govern your actions accordingly. However, please note that Morgan Stanley purchased the Doral Golf Resort and partially subsumed the Resort's former owner, CNL, in 2007. It appears that the City sees no obstacle in contracting with the Doral Golf Resort/Morgan Stanley to provide free police services in spite of pending litigation with the Doral Golf Resort/Morgan Stanley.

The Ethics Commission has no jurisdiction to address personnel issues such as the amount of discretion the City Manager may use in distributing tickets. However, if you believe an individual's behavior rises to the level of an exploitation of official position, please contact us again to discuss filing a complaint with the Ethics Commission.

Sincerely,

[Victoria Frigo, Staff Attorney](#)
[Miami-Dade County Commission on Ethics](#)

2/23/2010

Direct Phone: 305 350-0601
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

"Delivering Excellence Every Day." Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Councilman Cabrera [mailto:Pete.Cabrera@cityofdoral.com]
Sent: Saturday, February 20, 2010 9:10 PM
To: Meyers, Robert (COE)
Subject: Possible Violations

Dear Mr. Meyers,

It is not with pleasure that I have to write to you but I consider it my responsibility to so and allow you to make the determination if a violation has occurred. I am writing regarding something independent of the issues we discussed last year even though the general situation here has only gotten worse. Unfortunately it seems to have become a general attitude.

This email is regarding a particular situation that has concerned me since last March. I expressed my concern at the Council Meeting in April, 2009 but not until the issue was once again discussed at the last Council meeting on February 10, 2010 and the issue of gift regulations was raised did I realize that a serious violation may have occurred.

Let me explain briefly, I will be glad to provide further details if you wish. Since the creation of the City, the city has cooperated with the golf tournament held each year in our city at the Doral Resort. Our contribution has been to provide police services at no cost and in exchange the tournament has provided the city with passes to the tournament including a certain number of Skybox tickets. The Council would be in Skybox representing the City. During the first few years there were sufficient tickets and the directors and a few key employees were also provide passes to the Skybox.

After the 2008 Tournament several residents approached me and said that it was important for Council to be in the Skybox with all the business leaders but that it did not look good for employees to be in the Skybox because it looked like a misuse of tax dollars. In reality that was not the case because the tournament is very important to the city and we would provide the police services regardless, but I agreed that was not the appearance to the general public. I raised this concern to the Manager and I believe also at a meeting. The criteria of how tickets would get distributed for the 2009 Tournament were approved by the Council at the February 2009 meeting. I was out of town but upon my return the Manager assured me that only the City Council and VIPs (listed in Manager's March 2, 2009 email below). Then at the tournament when I observed Directors and other employees in the Skybox, I called the Manager to ask her why. She responded via email as you can see below dated March 12, 2009 in which she clearly states that she was provided received the tickets. Although I did not consider it appropriate, other than going against Council directive and not telling me the truth, at the time in my mind

2/23/2010

no other violation had occurred. Later during the tournament I became much more concerned when I noticed that the passes the directors and our City Attorney at the time, were using were from Morgan Stanley / Pyramid Asset Managers. Morgan Stanley / Pyramid Asset Managers which is the parent company of CNL whose is currently litigation with the City regarding the City's Master Plan. I felt this situation was extremely inappropriate and created a terrible appearance. I raised the issue to the manager but as she dismissed it and as she has often told me, it was her prerogative to give tickets to whoever she wished. In addition the City did not actually have a Skybox so we had nowhere to sit so throughout the weekend the City Staff and most of the City Council were sitting in the Morgan Stanley Skybox. I considered it inappropriate so I did not sit with the rest of Council or City Staff. Councilwoman also did not there in that Skybox.

During the last Council meeting I once again raised the issue about employees being in the skybox for the upcoming tournament and also mentioned what happened last year. Then the issue was raised that this were not City tickets so as such were gifts received. Councilwoman Ruiz asked the manager if gift forms were completed since the value is into the hundreds for each one. The manager's response was she was unaware of what each person did and that was their responsibility. These tickets were received directly by the Manager as she clearly states in her email of March her March 12 email. I believe the Manager should have used better judgment in accepting tickets from a company that is in litigation with the City. She then distributed them to the directors so I consider she was responsible for following gift laws not the directors but this will be you decision to make.

I consider this a very serious matter and thank you for your assistance on this matter.
Sincerely,

Councilmember Pete Cabrera
City of Doral

From: Yvonne Soler-McKinley
Sent: Thursday, March 12, 2009 4:06 PM
To: Councilman Cabrera
Subject:

Dear Councilman Cabrera,

Yesterday, the resort provided me 10 tickets to be distributed to my department directors. In light of the hard work they do and the hours they put in, their loyalty to the city and their dedication, I authorized those who were interested to attend to do so. I am sure that they are ably representing the City. When we had our conversation we talked about staff and not management.

Sincerely,

Yvonne Soler McKinley

City Manager

City of Doral

8300 NW 53rd Street, Suite 100
Doral, Florida 33166
Tel: (305) 593-6690
Fax: (305) 406-6722
ysmckinley@cityofdoral.com
www.cityofdoral.com

"For all the right reasons!"SM

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

From: Yvonne Soler-McKinley
Sent: Tuesday, March 10, 2009 5:19 PM
To: Council Members
Subject: FW: VIP ticket list

Dear Mayor and members of the City Council,

Attached are the VIP's that have been forwarded to the resort . One not included in the list but added afterwards was the Consul General of Colombia. Additionally, every City of Doral Board member has received notification of the availability of two tickets for each one of them. We have also included the Charter Review Committee on the list. Finally, the Marriot has been very generous in providing our department directors one day tickets for the event.

If you should need any additional information, please contact me at your earliest convenience.

Sincerely,

Yvonne Soler McKinley

City Manager

City of Doral

8300 NW 53rd Street, Suite 100
Doral, Florida 33166
Tel: (305) 593-6690
Fax: (305) 406-6722
ysmckinley@cityofdoral.com
www.cityofdoral.com

"For all the right reasons!"SM

From: Yvonne Soler-McKinley
Sent: Monday, March 02, 2009 4:42 PM
To: 'emmapiper@pgatourhq.com'
Subject:

Dear Emma,

The following names are the VIP's for the event:

Mayor Carlos Alvarez
Mayor Manny Diaz
Mayor Julio Robaina
Mayor Yioiset de la Cruz

Mayor Ramon Rodriguez
Mayor Manny Maroño
Mayor Eugene Flinn
Mayor Michael Pizzi
Chairman Dennis Moss
County Commissioner Carlos Gimenez
County Commissioner Jose "Pepe" Diaz
School Board Member Renier Diaz de la Portilla
Superintendent of Schools Alberto Carvalho
City Manager Yvonne Soler McKinley
Consul General Juan Miguel Gutierrez Tinoco
Consul General of Taiwan Miguel Tsao
US Southern Command Admiral Stavridis

Additionally, as per our conversation on Friday we need a total of 75 grounds tickets for our Board members.

Regarding the VIP's I am calling each person on the list this week to confirm their attendance. As discussed please hold those credentials at will call.

We are also working on a thank you letter for participating to all company Box holders from the Mayor. A list of those box holders and/or the CEO of the Corporation will also be appreciated.

Thanking you in advance for all of your assistance.

Sincerely,

Yvonne Soler McKinley
City Manager

City of Doral
8300 NW 53rd Street, Suite 100
Doral, Florida 33166
Tel: (305) 593-6690
Fax: (305) 406-6722
ysmckinley@cityofdoral.com
www.cityofdoral.com

"For all the right reasons!"SM

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.