

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, April 25, 2013 4:56 PM
To: 'Bettina Rodriguez Aguilera'
Cc: Centorino, Joseph (COE)
Subject: INQ 13-105

Dear Vice-Mayor Rodriguez, 305 316-3746

On April 22, 2013, we discussed several questions about how the County's Ethics Code applies to you as an elected official and private consultant in the City of Doral.

The following summarizes much of our conversation, but because specific facts may alter a legal interpretation, this communication is not meant to be all-inclusive. Please contact our office to discuss particular situations that may differ from the general guidelines listed below. Additionally, please note that state ethics laws also apply to you as an elected official. You may also wish to consult with the Florida Ethics Commission for further advice.

Soliciting sponsors for your private seminars

The Ethics Code allows you to solicit sponsors for your private seminars and to advertise their sponsorship in newspapers, on websites, and in mail pieces. However, you must not use your official position as a city official or use city resources (such as city secretarial staff or city supplies) to obtain these sponsorships. See Miami-Dade County Code at Sec. 2-11.1 (g).

You may solicit as sponsors businesses located in Doral and businesses doing business with the City of Doral as long as you do not exploit your official position to gain their sponsorship and do not engage in a *quid pro quo* arrangement with them. An example of a *quid pro quo* arrangement would be to imply that you will take an official action on their behalf if they sponsor your seminar. See Miami-Dade County Code at Secs. 2-11.1 (g) and (e)(3). Please be advised, however, that because an appearance of impropriety may be created by these solicitations, you may wish to avoid them.

If one of your sponsors has an issue before the Doral City Council, you would be prohibited from voting if you had a current relationship with the sponsor (*e.g.*, a debtor-creditor relationship) **or** if you might, directly or indirectly, profit or be enhanced by the vote. See Miami-Dade County Code at Sec. 2-11.1 (d).

Using your official title as an elected official

You may use your title as an elected official in your website and in collateral advertising only as part of your resume and biographical background information. You may not use the city seal or logo for private business. See Miami-Dade County Code at Sec. 2-11.1 (g).

Working as a private business consultant

You may consult with businesses inside and outside of the City of Doral and advise them about obtaining business licenses and permits in the City of Doral. However, you may not represent your clients before the City of Doral—this means that you may never accompany a client to City Hall even to conduct routine administrative matters. See Miami-Dade County Code at Sec. 2-11.1 (m)(1).

You may assist private businesses free of charge as an elected official if you believe this assistance will benefit the community. If you are offering free services in order to gain private business later, however, avoid offering free services so that you not appear to be exploiting your official position. See Miami-Dade County Code at Sec. 2-11.1 (g).

You may contract with a municipality other than the City of Doral to consult on economic development, as long as you do not exploit your official position to get the contract. *See Miami-Dade County Code at Sec. 2-11.1 (g).*

You may purchase items from a City of Doral vendor as long as the transaction is at arms length and made in the ordinary course of business. *See Miami-Dade County Code at Sec. 2-11.1 (u).* However, in an abundance of caution, you may wish to avoid an appearance of impropriety by purchasing items elsewhere.

Gifts valued over \$100 must be reported.

You must declare all gifts over \$100 on State Form 9. Directions for reporting are included on the form. The disclosure must be made by the end of the quarter following the quarter in which you received the gift.

If you attend and participate at an event in you official capacity, such as cutting a ribbon or making a speech, the ticket to the event is not a gift. If the ticket is given to the City of Doral, it is a city resource that must be used for a public purpose.

Florida Sunshine Law

You and other City of Doral councilpersons may attend the same event as long as you do not discuss any matters that will foreseeable come before the City Council. *See Fla. Stat. 286.011 (2012).*

Again, I emphasize that this recitation is not all-inclusive and that particular facts could change the interpretation of the law. To maintain the public's trust, it is prudent to avoid even the appearance of impropriety in all of these circumstances.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Bettina Rodriguez Aguilera [mailto:bettinara12@gmail.com]
Sent: Tuesday, April 23, 2013 6:10 PM
To: Frigo, Victoria (COE)
Subject: our conversation

Hello Victoria,

I want to again thank you for taking the time to review my questions as a new elected official in the City of Doral.

I have always been a straight shooter and like to do the things by the book.

As we spoke I was the economic developer of the City and there are a lot of new rules that I do not fully comprehend.

Our conversation has given me insights of what is expected and I have summarized them to the best of my knowledge.

I would appreciate it if you can confirm if my understanding is correct as I will be sending out some flyers from my business (bettinara.com)

Seminars,

I will be doing a seminar scheduled for next month that I am soliciting sponsors.

The sponsors name will be placed in the advertising information that will include, newspaper, website and mail pieces.

SPONSORS

Some of these possible sponsors are Doral businesses that may participate with the City as advertisers to Parks and other events, BUT do not receive contracts from the City. The City from time to time might (if they are a restaurant) may buy food for one of the City events as we rotate the restaurants for Council meetings and other activities.

In this instance you stated there was no conflict as so far as there was no gain and there were no contracts or I did not vote on any item they(the sponsor) brought in front of us. If this were the case I would have to excuse myself from voting.

Again concerning Sponsors and local papers and other press, they may also be a sponsor just like any other business that gives sponsorships for advertising.

TITLE

Concerning the use of my title as an elected official, I may use my title as an elected official in my website and my collateral advertising as it is part of who I am. Therefore a mail piece may go out saying for example:

Get the Experience and Expertise you deserve

Bettina has:

- * Over 25 years of business and community experience
- * Developed the City of Doral Economic Development Business Plan
- * Is the Vice Mayor of the City of Doral

* Has received the LULAC (League of Latin American Citizen) Women Hall of Fame, Han Triunfado en Vanidades Magazine, Mujer Fenomenal, Miami Herald Editorial of Passing Along her Experience, and recognitions from Albainia, Lithuania, Dominican Republic, Miami Dade, Hialeah, West Miami, Doral and others.

* The Flag of the United States was flown for her participation assisting over 600 women start and develop their businesses through a Women Business incubator program she developed and ran for seven years..

Bettina is a Public Speaker, Trainer and Consulted in the areas of Government, Business and Empowerment Programs as well as Women Issues.

In other words as part of my life story it is permitted as long as I do not use the City Seal or Logo for private business. I can state my title in my website and advertising.

CONSULTING

I can do private consulting through my business to assist businesses to start or develop inside and outside the City of Doral and direct them in marketing and business strategies and what are the necessary steps within the City.

I cannot personally assist them to get permit but can let them now what are the forms they need to file out and help them understand the process.

I can give seminars of business in the City of Doral and can assist business in applying for Federal, State, County, School Board and private vendor and minority certification and other Government programs.

I can inform of Doral programs but cannot personally assist them to obtain such programs other them advise them and tell them the forms to fill out.

I can assist them free of charge as an elected official to help the community.

GIFTS

We have to fill out a gift registry every three months (I do not know when it starts, when is the next cycle) of the gifts we get. We do not have to fill it out if we participate officially in the event. Participation may be: if we say a few words,do a ribbon cutting, and/or take a picture as part of the event as it is then seen as working in our official capacity.

in addition

If we go to an event and we meet someone that would like to retain us we can call that person and make an appointment. As an example Mayor Micheal Pizzi is the Mayor of Miami Lakes and the attorney of Medley. This can be done because as long as one is not getting a gain from the place where we work it can be done.

Therefore, if I get a contract in a municipality to do what I did in the City of the Economic Developer I can do this.

I hope I covered all the bases, at least for this conversation.

Awaiting your response,

Thank you again for your time and understanding.

Bettina Rodriguez Aguilera