
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 19, 2014 12:51 PM
To: Sanchez, Rodzandra (COE)
Subject: On behalf of Tony Lama, Councilman, Town of Miami Lakes Ethics Opinion (Gift Solicitation) INQ 14-149

INQ 14-149

From: Centorino, Joseph (COE)
Sent: Wednesday, June 18, 2014 4:30 PM
To: 'Haydee Sera'; Ethics (COE)
Cc: Raul Gastesi; Alex Rey; Lama, Tony; Diaz-Greco, Gilma M. (COE)
Subject: INQ - Tony Lama, Councilman, Town of Miami Lakes (Gift Solicitation)

Ms. Sera and Mr. Gastesi:

You have inquired on behalf of Miami Lakes Councilman Tony Lama regarding whether he may participate in fundraising for a school trip in which his daughter will be participating. The trip to Washington D.C. is to be organized and sponsored by the Close Up Foundation, a 501(c)(3) non-profit organization. Councilman Lama wishes to use personal stationery to solicit contributions from friends and colleagues, including constituents, by way of checks made out to Close-Up Foundation to defer the expenses of the Councilman's daughter, individually.

Section 2-11.1(3) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance provides that a public employee or official "shall neither solicit nor demand any gift." Section 2-11.1(e)(2)(f) of the Ordinance exempts from this prohibition, "Gifts solicited by...[Councilmembers]...on behalf of any nonprofit organization for use solely by that organization where neither the [Councilmember] nor his or her staff receives any compensation as a result of the solicitation." The latter section further provides that, "As used in this subsection, 'compensation' means any money, gift, favor, political contribution, thing of value or other financial benefit."

Inasmuch as Councilman Lama's dependent daughter would be provided with something of value amounting to a financial benefit to Councilman Lama himself, I find that the exemption for non-profit solicitation in Section 2-11.1(e)(2)(f) does not apply to these circumstances. Accordingly, I have concluded that Councilman Lama may not participate in this solicitation which would result in a direct financial benefit to himself.

Please contact me should you have any questions.

Sincerely,
Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Haydee Sera [<mailto:hsera@gastesi.com>]
Sent: Thursday, June 12, 2014 10:40 AM
To: Centorino, Joseph (COE); Ethics (COE)
Cc: Raul Gastesi; Alex Rey; Lama, Tony
Subject: Town of Miami Lakes - Request for Advisory Ethics Opinion

Dear Mr. Centorino:

I trust this message finds you well. Please see the attached request for an advisory ethics opinion.

Please do not hesitate to contact me or Mr. Gastesi should you have any questions or concerns.

Thank you,
Haydee

Haydee Sera ▪ *Associate Attorney*

Gastesi & Associates, P.A. ▪ 8105 NW 155 Street ▪ Miami Lakes, FL 33016

Office: 305-818-9993 ▪ Facsimile: 305-818-9997 ▪ E-Mail: HSera@gastesi.com

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GASTESI & ASSOCIATES

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June 12, 2014

Sent via e-mail only (Centori@miamidade.gov and Ethics@miamidade.gov)

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, FL 33130

RE: Town of Miami Lakes -- Request for Advisory Ethics Opinion

Dear Mr. Centorino:

I write to you in my position as the attorney for the Town of Miami Lakes, Florida. In an effort to comply with state and local law, increase transparency, and remove even the appearance of impropriety, we seek an advisory ethics opinion related to the following set of facts:

The teenage daughter of Miami Lakes Councilman Anthony "Tony" Lama ("the Councilman's daughter") is fundraising for her school trip to Washington, D.C. for a program organized by the Close Up Foundation ("Close Up trip"). The contributions are to be made by checks payable to Close-Up Foundation to defer the expenses of the Councilman's daughter, individually.

The Councilman would like to support his daughter's fundraising efforts by sending a written communication encouraging his friends and colleagues to make a contribution. Some of the recipients of the Councilman's written communication may be the Councilman's constituents, donors, and local business owners. The Councilman intends to send the written communication using his personal e-mail address and does not plan to use Town of Miami Lakes letterhead to make the fundraising request.

In light of the facts as stated herein, I hereby request that the Commission provide an opinion advising whether the Councilman can send the attached written communication to his friends and colleagues encouraging them to make donations towards his daughter's Close Up trip and, if so, whether he should include a disclaimer in the communication advising the recipients that contributions made will not result in a quid pro quo nor will they be received in exchange for official action.

Letter to Miami-Dade Commission on Ethics and Public Trust
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Should your office require additional information to respond to this request, please do not hesitate to contact me at 305-818-9993 or rgastesi@gastesi.com. I remain,

Very truly yours,



Raul Gastesi, Jr., Esq.

RG/hs

Enclosure

cc: Alex Rey, Manager, Town of Miami Lakes (via e-mail only)
Tony Lama, Councilman, Town of Miami Lakes (via e-mail only)

Letter to Miami-Dade Commission on Ethics and Public Trust
June 12, 2014
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DRAFT LETTER FROM COUNCILMAN

Friends,

My daughter and her team from Monsignor Edward Pace High School are organizing a trip to the annual Close Up Program in Washington, D.C. Ironically, this is the program that I attended when I, too, was 17 years old and found my passion for public service. She has asked me to send the letter below to my close friends and colleagues for support. Please let me know if you are able to support her and the team.

Thank you!

Tony

Note: At the request of the Town Attorney, I am advising that this message is in no way tied to my service as Councilman of the Town of Miami Lakes. Contributions will be appreciated, but should be in no way construed as a quid-pro-quo of any sort nor will they be received in exchange for official action.

Dear Friends:

On January 10, 2015 my peers and I from Monsignor Edward Pace High School will have a great opportunity to travel to Washington, D.C. On this school trip we will learn firsthand about the workings of the government and our responsibilities as citizens of the United States.

This exciting and unique educational program, run by the Close-Up Foundation, consists of activities designed to introduce students to the history, politics, and culture of our nation. The program offers students an unparalleled learning experience. There will be small-group seminars and workshops, meetings with congressional members and staff, lobbyists, and embassy officials, study visits of museums and monuments.

The program cost for each student, including instruction, travel expenses, meals, and lodging is \$1,650.00. We are all motivated to offset this cost through fundraising. Monsignor Edward Pace is dedicated to making this valuable educational program available to all students, regardless of their financial ability and hope you will help in this effort by contributing any amount. Contributions may be tax-deductible. Make your check payable to the Close-Up Foundation. The Close-Up Foundation is a non-profit, nonpartisan 501 (c) (3) organization exempt from federal tax. Its Federal Employer Identification number for your records is 23-7122882. Your contribution would be an investment in our community's future, helping students become more informed and responsible citizens. It would also be greatly appreciated.

Thank you for your time and consideration.

Warm Regards,
Mia A. Lama
Student at Monsignor Edward Pace H.S.