

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, January 21, 2014 2:53 PM
To: 'Haydee Sera'; Ethics (COE)
Cc: Raul Gastesi; Alex Rey; SlatonW@miamilakes-fl.gov; Diaz-Greco, Gilma M. (COE)
Subject: INQ - Attorney Raul Gastesi, Attorney for Town of Miami Lakes, on behalf of Mayor Wayne Slaton (travel)
Attachments: GastesiLetterAl-AhmadCenterPaidTravel.pdf

Mr. Gastesi:

You have inquired in the attached letter regarding whether Mayor Wayne Slaton may accept an offer of free travel, lodging and meals, from the Sabah Al-Ahmad Center for Giftedness and Creativity, which was established by the Kuwait Foundation for the Advancement of Sciences ("the Center"). The offer was made in connection with an invitation for the Mayor to attend a conference in Kuwait where the Center will present an assessment of certain equipment installed by it in Miami Lakes for the use of the City. The Mayor has been invited to represent the City and speak at the event. The Center will advance payment for all expenses, including transportation, lodging, meals and incidentals.

The first issue presented is whether the Center is considered a vendor or contractor or service provider of the Town of Miami Lakes. If that were the case, then the general prohibition contained in Section 2-11.1(w) of the County Code, against acceptance of any travel or related expenses from a City contractor, vendor, service provider, bidder or proposer. That is not clear to me based upon the facts presented. It may well be that the Center could be considered a service provider. If there is any question about this, then I would recommend that a separate opinion be requested on that issue or that the matter be presented to the Town Council, which has the authority under Section 2-11.1(w) to waive the prohibition.

Assuming that the Center is not considered a vendor, contractor, service provider, bidder or proposer, or that the Council has waived the prohibition under Section 2-11.1(w), then the proposed trip and expenses may be accepted by the Mayor, provided that there is no suggestion or understanding of any quid pro quo in regard to the gift, i.e., that the Mayor is not expected and will not agree to provide any benefit to the Center in exchange for the gift. However, it would still be necessary for the Mayor to report the paid expenses as a gift on the quarterly Gift Disclosure Form provided by the State of Florida, since it will exceed \$100.

I hope that this has been helpful to you in resolving this issue.

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, January 09, 2014 3:29 PM
To: Centorino, Joseph (COE); Ethics (COE)
Cc: Raul Gastesi; Alex Rey; SlatonW@miamilakes-fl.gov
Subject: Town of Miami Lakes, Florida - Request for Advisory Opinion - Miami-Dade Commission on Ethics

Dear Mr. Centorino:

Please see the attached request for advisory ethics opinion.

Should you have any questions or concerns, please do not hesitate to contact our office.

Regards,
Haydee Sera

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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 P.A.

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January 9, 2014

Sent via U.S.P.S. First Class mail and e-mail (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.

Sabah Al-Ahmad Center for Giftedness and Creativity established by the Kuwait Foundation for the Advancement of Sciences (“the Center”) installed baskets to collect leaves to avoid clogging the storm and sewer systems. The Center actually *paid* the Town of Miami Lakes to conduct an assessment of the equipment and all payments have been received by the Town. The Town *did not* make any payment to the Center. The Center intends to present the findings at a conference in Kuwait.

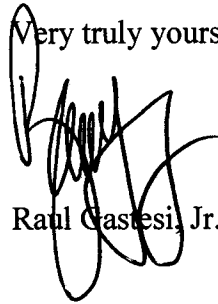
The Mayor is designated by the Charter as the official representative of the Town for ceremonial purposes. The Center has invited the Mayor to attend and be recognized during the conference. It is expected that the Mayor will be asked to speak at the event. The Center has offered to pay all of the Town’s travel expenses (e.g., transportation, lodging, meals, and incidentals) incurred by the Town relating to the ceremony in Kuwait, all of which will have a combined value in excess of \$100. The Center intends to pay for these expenses in advance to the Town.

The Town Council approved the trip during the December meeting subject to an ethics review. The trip is likely scheduled to take place within the next 45 days.

In light of the facts as stated herein, I hereby request that the Commission provide an opinion advising whether the benefits provided by the Center are a gift and, if they are, whether they are a gift that can be accepted.

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,

A handwritten signature in black ink, appearing to read 'Raul Gastesi, Jr.', with a large, stylized flourish at the end.

Raul Gastesi, Jr., Esq.

RG/hs

cc: Alex Rey, Manager, Town of Miami Lakes (via e-mail only)
Wayne Slaton, Mayor, Town of Miami Lakes (via e-mail only)