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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, January 05, 2015 11:53 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Matt Haber, Assistant City Attorney, City of Miami (gifts- tickets) INQ 14-287

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**From:** Murawski, Michael P. (COE)  
**Sent:** Monday, December 29, 2014 12:13 PM  
**To:** 'mshaber@miamigov.com'  
**Cc:** Centorino, Joseph (COE); Ramos, Miriam S. (COE)  
**Subject:** Bayfront Park Trust/ New Year's Eve event tickets

Hi Matt, it was a pleasure speaking with you this morning.

Regarding your inquiry as to New Year's Eve event tickets, you advised that a promoter is sponsoring a New Year's Eve event and that under the "public benefits" clause of the agreement Bayfront Park Trust will receive fifty (50) VIP tickets to the event. You also advised that the promoter will also distribute approximately one-thousand (1000) tickets to whomever they deem appropriate at their discretion.

You further advised that some members of the Trust are non-City employees who serve on the Trust in a non-compensated, volunteer capacity although other members of the Trust while also serving in a non-compensated, volunteer capacity as Trust members are City employees.

To begin with, the City of Miami Charter section (4)(c) seems to expressly prohibit city employees from accepting any "free ticket" directly or indirectly from any person, firm or corporation upon terms more favorable than are granted to the public generally. I am aware that George Wysong from your office has opined that this provision is an antiquated one that only applies to no longer existing trolley service, however I point it out for your consideration.

(4)(c)

*Qualifications of mayor and city commission; mayor, city commissioners, and other officers and employees not to be interested in contracts, etc.; franks, free tickets, passes or service. Candidates for mayor shall be residents of the city for at least one (1) year prior to qualifying and shall be electors therein. Further, candidates for the city commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain residence in that district for the duration of their term of office. The mayor, city commissioners, and other officers and employees shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. The mayor or any city commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any such contract in which any member is or may become interested may be declared void by the city commission.*

**No mayor, city commissioner, or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally.** Any violation of the provisions of

this section shall be a misdemeanor. Such prohibition of free service shall not apply to police or fire personnel in uniform or wearing their official badges, where same is provided by ordinance.

Additionally, you should be aware of Section 2-613 of the City Code which states that:

“ 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.”

Finally, you should be aware of Florida Statute Section 112.3148 which specifically prohibits “reporting individuals” and “procurement employees” from accepting gifts from vendors.

**112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—**

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee as defined in s. [106.011](#), or a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

Under the County’s Public Benefit Ticket Policy and the Addendum thereto, “Unelected members, who serve without pay on [City] boards...in recognition of significant assistance to the local government” may be the recipients of tickets provided to the City under a Public Benefits clause however, the City’s policy can be more restrictive. Of course, any City employees or officials who should find themselves to be the beneficiary of one or more of the promotional tickets outside of the public benefit VIP tickets, should report the receipt of those tickets as a gift assuming they are worth in excess of \$100.

I hope that’s helpful, please do not hesitate to call if you have any other questions or concerns.

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