

## **Diaz-Greco, Gilma M. (COE)**

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**From:** Centorino, Joseph (COE)  
**Sent:** Friday, January 31, 2014 4:50 PM  
**To:** 'picbywal@gmail.com'  
**Cc:** Diaz-Greco, Gilma M. (COE); Murawski, Michael P. (COE)  
**Subject:** INQ - Walter Harris, Commissioner, City of South Miami (Photography)

Mr. Harris:

You have inquired concerning whether there may be an ethical violation in connection with your use of ink cartridges and printing paper supplied by the City of South Miami for use by you in taking and printing photographic headshots of various City officials. According to information supplied by you, prior to your election as City Commissioner, you ran a photography studio and would take headshots of candidates for office at no cost. After your election, you continued to take headshots of City officials, many of which hang at City Hall, also at no cost to the City. When you ran out of ink at one point, the City supplied you with two ink cartridges and a 20-sheet pack of printing paper. You state that you have not used any of these materials for political purposes or personal profit; that 90% has been used at City hall and the rest by your granddaughter. You have stated that you intend to return the remaining paper and partially used cartridges to the City.

Please be advised that this office does not provide legal opinions concerning past conduct, only future conduct. To the extent that your inquiry is for a legal opinion concerning your future conduct, I can respond to it.

Nothing in the ethics code would prohibit you from utilizing your own resources to provide a service beneficial to the City. Your provision of complimentary photographic services to the City, where you do not stand to profit from such service, is permissible. However, I would caution against using any City resources in providing these services. I understand that these services were provided for the use and benefit of the City. However, your acceptance of any materials such as printing paper or ink cartridges, to be kept by you in your home or office without oversight, is a potential problem. Section 2-11.1(g) would prohibit you from exploiting your official position to gain any benefit from the City to which you were not entitled. Your use of City property in such an unsupervised and unaccountable way could give rise to an actual or perceived exploitation issue. Any private use by you or your family members of City resources could be considered an exploitation.

I suggest that you refrain from accepting or using any City resources in the future in connection with the provision of any complimentary photographic or other services you may wish to provide to the City. Further, the full cost of any resources used in the past should, even if used with the permission of the City, be reimbursed to the City.

***Joseph M. Centorino***

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