
Subject: Ethics Opinion-Gift reporting INQ 14-66

INQ 14-66

From: Mendez, Victoria [<mailto:VMendez@miamigov.com>]
Sent: Monday, April 07, 2014 7:01 PM
To: Centorino, Joseph (COE)
Cc: Min, Barnaby; Diaz-Greco, Gilma M. (COE); Wysong, George; Murawski, Michael P. (COE)
Subject: RE: INQ - Victoria Mendez, Miami City Attorney (Gift reporting)

Thank you Joe. I believe this is a distinction without a difference with regard to the city or the official receiving the funds. We should not penalize an elected official who was relying on previous opinions and a COE opinion that never brought this up before.

Can this be handled in another way in light of your decision to find PC on the Mayor? A letter of instruction is the best remedy, especially since our office was not aware of this new distinction to the best of my knowledge.

We are already moving in the direction of not opining on ethics issues at all in light of the fact that this is a moving target. I am really working with you to protect my elected officials. We send you questions all the time. This seems very wholly unfair and I feels that it is a disservice to our elected officials who try to do the right thing.

Can we meet on this?

Thank you.

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Monday, April 07, 2014 1:18 PM
To: Mendez, Victoria
Cc: Min, Barnaby; Diaz-Greco, Gilma M. (COE)
Subject: INQ - Victoria Mendez, Miami City Attorney (Gift reporting)

Victoria,

A question has been raised concerning the reporting requirements for trips taken by Miami City Officials paid for by outside entities. I hope that this will serve to clarify our position in order to avoid future problems.

The issue is whether receipt by a city official of an expenses-paid trip constitutes a reportable gift under County Ethics code Section 2-11.1(e) that would require disclosure pursuant to Section 2-11.1(e)(4).

It has been our policy to exempt from the gift ordinance the payment or reimbursement for a trip by a city official, where the funds come from the city either directly through regular city funds or from funds donated to the city and utilized by the city for the purpose of paying for such trips. However, under circumstances where a public or private non-city entity directly pays for or reimburses the official for trip expenses, then such payment or reimbursement does constitute a gift to the official that must be reported by the official on the proper state disclosure form that is filed quarterly.

This is consistent with the recent opinion provided to Commissioner Gort, as well as the Letter of Instruction issued by the Ethics Commission concerning a trip taken by Commissioner Sarnoff, both of which are attached hereto.

Please note that the determining factor in these opinions was not the purpose of the trip, but the source of the funds.

If you should have any further questions about this matter, please contact me.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel

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