
From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, April 18, 2014 12:04 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ - Victoria Mendez, Miami City Attorney (Gifts)- INQ 14-98

INQ 14-98

From: Centorino, Joseph (COE)
Sent: Friday, April 18, 2014 10:13 AM
To: 'Mendez, Victoria'
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Victoria Mendez, Miami City Attorney (Gifts)

Victoria,

I agree with your opinion that a ticket offered to a city official by Balsera Communications to the Doral Golf Tournament should not be accepted.

If, in fact, the complimentary ticket were offered for the use and benefit of the City, it could be accepted under the City ordinance. The County ordinance would not bar the gift (assuming no quid pro quo or other reasonably foreseeable connection to official action by the City) but would require its disclosure by the official as a gift if valued over \$100, unless there were a public purpose served by the gift. I do not see from anything provided herein that the gift would have been for the benefit of the City or that would have served a public purpose. Merely giving the gift to an official "in his official capacity" is not enough for it to benefit the City or serve a public purpose. Although we cannot provide any binding interpretation of the state statute on this, it would also appear that F.S. 112.3148 could bar the gift, if it was valued at over \$100, because it would have come from a lobbyist or vendor; was not something that was offered or accepted on behalf of the City for use by the City; but was offered and would have been accepted for the official's personal use.

Joe Centorino

From: Mendez, Victoria [<mailto:VMendez@miamigov.com>]
Sent: Thursday, April 17, 2014 8:51 PM
To: Centorino, Joseph (COE); Ramos, Miriam S. (COE); Murawski, Michael P. (COE)
Cc: Min, Barnaby; Wysong, George
Subject: Fwd: 2014 Cadillac Championship Trump National Doral Miami

Below was an opinion I had given a commissioner back in March. I need to know if you agree with this general premise and I need to confirm if this would have been in the commissioner's official capacity, would the official capacity trump the lobbyist/vendor prohibition? That is, does the official capacity veil allow or cure the acceptance of the tickets and no reporting would be necessary as well. Thank you for giving me advice on this issue.

Victoria Mendez
City Attorney

Sent from my iPhone

Begin forwarded message:

Subject: Re: 2014 Cadillac Championship Trump National Doral Miami

You have asked if these tickets can be accepted. In this case with the Doral Golf tournament the value of the tickets may or may not be under \$100, but the tickets are provided by a lobbyist or vendor who may be awarded a contract or award with the city in the future, and thus should not be accepted.

Miami Dade county code 2-11.1 says:

Disclosure. Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

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.

But City of Miami code section 2-613 says:

- **Sec. 2-613. - Accepting gifts, etc., from persons contracting, etc., with city.**

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.

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Additionally, the below opinion from Centorino of the COE indicates that only tickets not offered by a vendor or lobbyist, can be accepted.

Should you have any questions or wish to discuss further due to anything I may have missed, please let me know.

Thank you, Victoria

From: Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]
Sent: Tuesday, February 11, 2014 10:12 AM
To: Min, Barnaby
Cc: Mendez, Victoria; Wysong, George; Diaz-Greco, Gilma M. (COE)
Subject: INQ - Barnaby Min, Assistant City Attorney, City of Miami (tickets)

Barnaby,

You have inquired whether free tickets to the International Boat Show may be accepted by City officials. In general, if the tickets are not being given to an official for any anticipated official action, and it is not reasonable to assume that there is any benefit contemplated by the donor (which requires the recipient to exercise some judgment in the matter), they can be accepted as long as they are not valued at more than \$100 and being offered by a vendor or lobbyist. If they are valued at more than \$100 but not offered by a vendor or lobbyist they could be accepted by an official subject to the requirement that they be properly disclosed. It is the obligation of the donee to determine the fair market value of the ticket.

I am assuming that the reason for their being offered is not connected to any contractual requirement, in which case they would be considered public property and would have to be distributed in accordance with the attached policy. Further, if the intent of the donor is that they are being provided to public officials for the purpose of distribution to others in the community, then they would also be considered public property and would have to be properly distributed. This would not be the case if only one or two tickets is being offered to each official.

If, however, a block of tickets is simply provided to the City for distribution as it chooses and not directed for use by any public official, then again they could be considered public property and be subject to their use for public purposes as outlined in the attached ticket policy addendum.

If you have any questions, please feel free to call me at 305-579-2594

Joe Centorino

From: Min, Barnaby [<mailto:bmin@miamigov.com>]
Sent: Tuesday, February 11, 2014 9:55 AM
To: Centorino, Joseph (COE)
Cc: Mendez, Victoria; Wysong, George
Subject: Ethics Question

Joe,

I hope you're well. I want to ensure that we are properly advising our clients concerning tickets. We have received free tickets to the International Boat Show. There is no monetary price on the tickets. It is not from a vendor, lobbyist, or other entity that has an interest in the City. May our elected officials, City personnel, or others attend the Boat Show with these tickets? Please let me know.

Thank you,

Barnaby Min

Sent from my iPhone

Although I couldn't reach you on the phone, I wanted to extend an invitation to the Commissioner to attend the 2014 Cadillac Championship at the Trump National Doral Miami this weekend. All information including parking instructions and directions on picking up tickets is included in the invitation.

Tickets will be provided for one (1) day of the event. Please RSVP by Wednesday(3/06) at 3pm with a selected date and we will gladly accommodate you.

Thank you for your consideration in attending this landmark event. If you have any questions whatsoever please feel free to contact me and we can discuss the matter further.

Best,

Michael Garcia

Balsera Communications
2020 Ponce de Leon Ste 1003
Coral Gables, FL 33134

O: 305.441.1272

M: 305.934.4385

<image001.jpg>

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[<image002.gif>](#) [<image003.jpg>](#) [<image004.gif>](#)

<Cadillac Championship 2014 Invitation.jpg>