



To: Maria Higgins-Fallon, Public Affairs Manager

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Firefighter- Use of Uniform in Campaign Literature

Date: August 13, 2018

The use of the candidate's uniform in his campaign literature for State office is not prohibited. The State Ethics Code requires that a corrupt intent exists in order for a violation to be present and there is no evidence of corrupt intent that can be garnered from this page (see CEO 07-24). The applicable provision of the Miami-Dade Ethics Code and the City Ethics Code does not require corrupt intent. However, this candidate is, in fact, a Coral Gables Firefighter so taking a picture with his uniform is not much different than listing his qualifications and current position on his campaign literature, which is certainly allowed. In addition, the "City of Coral Gables" is not visible on his uniform although if it were, it would not likely change the analysis. Both special ethics counsel and the Miami-Dade Commission on Ethics have been consulted and agree with the conclusion reached. In addition, there is nothing in the City's Human Resource Rules that prohibits the behavior.

This interpretation is issued pursuant to Secs. 2-252(e)(1) and (8) and 2-300 of the City Code.

From: Ramos, Miriam
To: Esch, Egan
Cc: Santos, Orlando; Throckmorton, Stephanie; Coballes, Gustave
Subject: FW: New Facebook page using Coral Gables in the name. Is this legal?
Date: Monday, August 13, 2018 9:23:53 AM
Attachments: mra0002.png
mra0006.png

Enga, please publish.

Miriam Soler Ramos, Esq., B.C.S.

*City Attorney
Board Certified by the Florida Bar in
City, County, and Local Government Law
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From: Ramos, Miriam
Sent: Monday, August 13, 2018 9:24 AM
To: Higgins-Fallon, Maria <mhiggins@coralgables.com>
Subject: RE: New Facebook page using Coral Gables in the name. Is this legal?

Good morning M.R.,

Thank you for your patience as I caught up after being out on vacation. The use of the candidate’s uniform in his campaign literature for State office is not prohibited. The State Ethics Code requires that a corrupt intent exists in order for a violation to be present and there is no evidence of corrupt intent that can be garnered from this page (see CEO 07-24). The applicable provision of the Miami-Dade Ethics Code and the City Ethics Code does not require corrupt intent.

However, this candidate is, in fact, a Coral Gables Firefighter so taking a picture with his uniform is not much different than listing his qualifications and current position on his campaign literature, which is certainly allowed. In addition, the “City of Coral Gables” is not visible on his uniform although if it were, it would not likely change the analysis. Both special ethics counsel and the Miami-Dade Commission on Ethics have been consulted and agree with the conclusion reached. In addition, there is nothing in the City’s Human Resource Rules that prohibits the behavior.

This interpretation is issued pursuant to Secs. 2-252(e)(1) and (8) and 2-300 of the City Code.

Miriam Soler Ramos, Esq., B.C.S.

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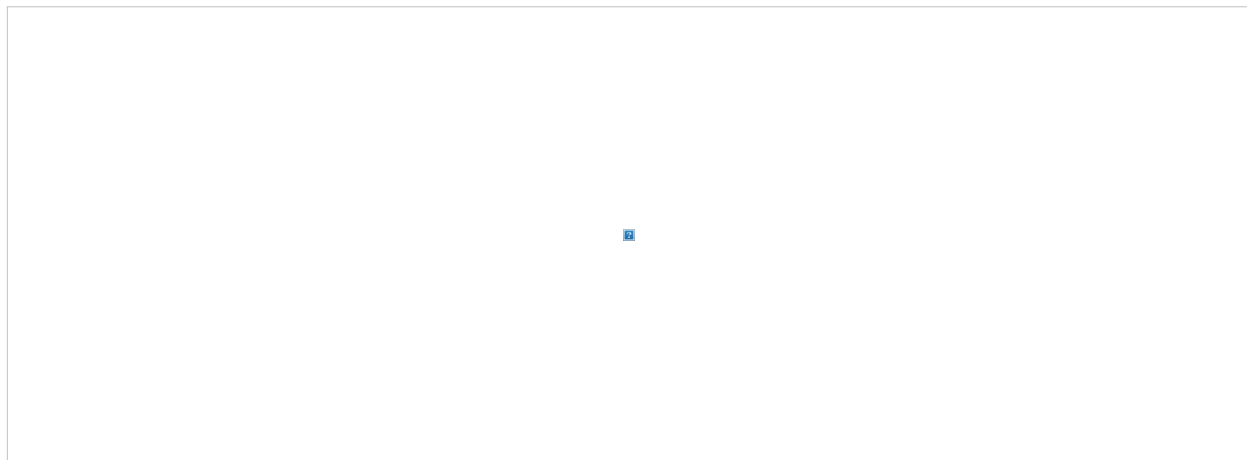
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From: Higgins-Fallon, Maria
Sent: Tuesday, July 31, 2018 8:35 AM
To: Ramos, Miriam <miriam@coralgables.com>
Subject: RE: New Facebook page using Coral Gables in the name. Is this legal?

Thanks, Miriam. Will do. Also, showing up on my social media feed this morning:

A city employee is running for state senate. On his political campaign web/twitter, he is using a photo with his CG firefighter uniform. Are there any ethical/legal issues with this? Please see below.



405 Biltmore Way, Coral Gables, FL 33134
T: 305-460-5205

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From: Ramos, Miriam
Sent: Tuesday, July 31, 2018 8:22 AM
To: Higgins-Fallon, Maria
Cc: Suarez, Cristina; Swanson-Rivenbark, Cathy
Subject: Re: New Facebook page using Coral Gables in the name. Is this legal?

Good morning M.R.,

"Coral Gables" is the name of a location which, with very rare exception cannot be trademarked. Therefore, there is little that can be done about someone else using the name. If you recall, we discussed a similar use some time ago. Please do monitor the page. If the content is of concern then please let us know so that we can contact Facebook and address that aspect.

Miriam Soler Ramos, B.C.S.
City Attorney
City of Coral Gables

On Jul 31, 2018, at 6:51 AM, Higgins-Fallon, Maria <mhiggins@coralgables.com> wrote:

<image001.png>

Thank you,



Maria Rosa Higgins Fallon, MPA
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