

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, February 08, 2017 4:25 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Jordani Pluviose, Real Estate Evaluator 2, Miami-Dade Property Appraiser's Office (gifts) INQ 17-36

FW: INQ 17-36 Pluviose

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, February 08, 2017 4:24 PM  
**To:** Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>  
**Cc:** Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** FW: INQ 17-36, Jordani Pluviose, Real Estate Evaluator 2, Miami-Dade Property Appraiser's Office (gifts)

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, February 08, 2017 4:23 PM  
**To:** Pluviose, Jordani(PA) <[Jordani.Pluviose@miamidade.gov](mailto:Jordani.Pluviose@miamidade.gov)>  
**Cc:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** INQ 17-36, Jordani Pluviose, Real Estate Evaluator 2, Miami-Dade Property Appraiser's Office (gifts)

Hello Mr. Pluviose,

You have inquired concerning 1) the general limitations regarding the acceptance of gifts, including, when it must be disclosed; and (2) whether an employee has to disclose contributions or donations made to a nonprofit organization that the employee is a board member.

### Background

You are a Real Estate Evaluator 2 at the Miami-Dade Property Appraiser's Office (PAO). You also serve as a board member for a nonprofit organization, Many Hands International. You do not receive any compensation for your board service. He also do not receive any personal financial benefit from donations made to the nonprofit organization.

### Analysis

- 1) Generally, Section 2-11.1(e) of the County Ethics Ordinance governs gifts, and disclosure of gifts is addressed in Section 2-11.1(e)(4) of the ordinance. These provisions prohibit the acceptance of a gift for an official action taken by a County employee.

Under the latter section, gifts, or a series of gifts received from any one person or entity, which have a value in excess of One Hundred Dollars (\$100.00), must be disclosed by public officials or employees in the County on the form required by Chapter 112, Florida Statutes, for "local officers."

Section 2-11.1(e)(2) excepts from the definition of a gift certain items, including “Gifts from relatives or members of one’s household.” There is no exception in the County Code for gifts from co-workers or bosses. Therefore, regarding any gift or series of gifts received from a non-relative or non-household member, such as a co-worker or elected official, that exceeds the fair market value of \$100, then that gift should be disclosed. *See* INQ 16-289.

In the event that you are required under Chapter 112, Florida Statutes, to file an Annual Financial Disclosure Form, or if you are considered a procurement employee under Chapter 112, then you also would be prohibited from accepting any gift in excess of \$100 from a lobbyist, Town contractor or vendor, or political committee.

You however work for the PAO. The PAO has a strict policy that prohibits employees from accepting **ANY** gift, regardless of its value. PAO employees are instructed to return any gift that is delivered to the PAO, and in the event the gift cannot be returned, they are instructed to bring the situation to their supervisor’s attention and bring the gift to the PAO Administration.

It is our understanding through our conversation with Mr. Bobby Flevaris and reviewing correspondence from the PAO that the PAO has chosen not to apply its “No Gift Policy” to office wide luncheons subsidized by managers, and internal gift exchanges between PAO employees. According to PAO internal correspondence dated November 19, 2015, the “No Gift Policy” relates most specifically to vendors, customers, or potential customers that use the PAO’s services.

Please note however that while the PAO “No Gift Policy” does not apply to internal gift exchanges between PAO employees, Section 2-11.1(e)(4) does apply. As mentioned above, as there is no exception in the County Code for gifts from co-workers or bosses. Any gift or series of gifts received from a co-worker or elected official, that exceeds the fair market value of \$100, should be disclosed.

- 1) Section 2-11.1(e)(2)(g) excepts from the definition of a gift any “gift solicited by Commissioners, or their staff members on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, nor his or her staff receives any compensation as a result of the solicitation.” The Section goes on to describe a “nonprofit organization” as any entity described in section 501(c)(3) of the Internal Revenue Code. Pursuant to this section, you do not need to disclose any donation received by the nonprofit organization as long as you do not receive any personal financial benefit from the funds donated/received by the nonprofit organization.

Please note that this inquiry does not address whether you can solicit donations for the 501(c)(3) and/or the manner in which the solicitation should be conducted.

This opinion is based on the facts presented. If any of these facts change, please contact us.

Sincerely,

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273

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**From:** Pluviose, Jordani(PA)  
**Sent:** Thursday, February 02, 2017 8:20 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Subject:** RE: Disclosure of Gifts

Good Morning Radia Turay

Thank you for getting back to me. I apologize for my late response. You can call me at my cell 305-984-7446 or I can call during my break.

Sincerely,

Jordani Pluviose, CFE  
Real Estate Evaluator II  
Commercial Division  
Phone (305) 375-2650

***How can we help YOU?***

**Miami-Dade Property Appraiser**

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*We'd like to know how we can improve our office and the service we provide.  
Please [click here](#) to send us your comments.*

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, February 01, 2017 5:18 PM  
**To:** Pluviose, Jordani(PA)  
**Subject:** RE: Disclosure of Gifts

Hello Mr. Pluviose,

I am just following up with you as I did not get a response to my last email. Please let me know if I can be of any further assistance.

Thanks,  
Radia.

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**From:** Turay, Radia (COE)  
**Sent:** Tuesday, January 17, 2017 10:49 AM  
**To:** Pluviose, Jordani(PA) <[Jordani.Pluviose@miamidade.gov](mailto:Jordani.Pluviose@miamidade.gov)>  
**Subject:** RE: Disclosure of Gifts

Good morning,

My name is Radia Turay. I am a staff attorney at the Miami-Dade County Commission on Ethics and Public Trust. I will be assisting you with your inquiry. Please provide a telephone number at which I can reach you so I can further assist you.

In the interim, please find the link to an advisory memorandum that our office generated regarding gifts:  
[http://ethics.miamidade.gov/library/Publications/holiday\\_gifts.pdf](http://ethics.miamidade.gov/library/Publications/holiday_gifts.pdf)

I look forward to hearing back from you.

Warm regards,

## **RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
[Ethics.miamidade.gov](http://Ethics.miamidade.gov)

**From:** Jordani Pluviose [<mailto:jjp@miamidade.gov>]

**Sent:** Wednesday, January 11, 2017 10:07 AM

**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>

**Subject:** Disclosure of Gifts

Under Disclosure of Gifts, it says County officials and employees are required to disclose any gift or series of gifts from any one person or entity having a value in excess of one hundred dollars (\$100). My understanding of this is if the gift is below \$100 do not have to disclose it; and if it's more than \$100, do need to disclose it. And some employees think this refers only to gift among employees. 1. Can you please clarify? 2. what about contributions or donations to a non-profit organization that County officials or employees are board members?  
Thank you