

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO 98-12**

BACKGROUND: The Aviation Department is requesting an opinion regarding the practice of soliciting airline tickets and other items from airlines and vendors for use as prizes in the United Way campaign.

NARRATIVE: The Aviation Department solicits airline tickets and other prizes from airlines and vendors that are regulated by the department. The tickets and other items are used as prizes in raffles, auctions and contests during the United Way campaign. Most prizes are awarded to employees although members of the general public may win prizes if they attend events or buy raffle tickets from employees.

ARGUMENT: The solicitation of tickets constitutes the solicitation of gifts which is prohibited by Section 2-11.1(e)(3) of the Dade County Code. Section 2-11.1(e) of the Dade County Code governs gifts to the county. Section 2-11.1(e)(1) defines a gift as the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise without adequate and lawful consideration. The tickets and other solicited items meet the definition of gift in the ordinance, as they are items which are received without adequate and lawful consideration. The items do not fall under any of the exceptions listed in 2-11.1(e)(2).

The solicitation of gifts by county employees is barred by Section 2-11.1(e)(3). Therefore, employees may not solicit airline tickets and other items for the United Way campaign.

CONCLUSION: Section 2-11.1(e)(3) prohibits the solicitation of the airline tickets and other gifts .