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**STAFF GENERAL COUNSEL**

February 2, 1999

Acting Chief  
Animal Care and Control Division  
7401 N.W. 74<sup>th</sup> Street  
Miami, Florida 33166

**RE: REQUEST FOR ADVISORY OPINION 98-28**

Dear \_\_\_\_\_ :

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 29, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion as to whether employees may solicit in-kind contributions from businesses to be used as raffle items and favors during the department's annual "Pets in the Park" event.

In the memorandum, you advised the Commission that every year, the Animal Care and Control Division sponsors "Pets in the Park" where they showcase animals for possible adoption consideration. The event also includes raffles and other activities for participants including balloons and face-painting. All of the items for the raffles, the face-painting and other events are donated by businesses who are solicited by department employees.

The Commission finds that the solicitation of in-kind contributions 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 in-kind contributions 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). Therefore, employees of the department may not solicit in-kind contributions for the "Pets in the Park" event.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

ROBERT MEYERS  
Executive Director