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STAFF GENERAL COUNSEL

June 3, 1999

Steve Spratt  
Senior Assistant to the County Manager  
111 N.W. First Street  
Suite 2910  
Miami, Florida 33128

**RE: REQUEST FOR ADVISORY OPINION 99-22**

Dear Mr. Spratt:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 27, 1999 and rendered its opinion based on the facts stated in your memorandum.

You requested an advisory opinion regarding donation of money to the family of a suspended employee.

In your memorandum, you advised the Commission that the Director of the Parks and Recreation Department was recently suspended pending the outcome of legal proceedings. Several employees of the department would like to provide financial assistance to the family.

The Commission found that departmental employees may donate money to the suspended department director but employees may not solicit funds and the department director must disclose receipt of any donations whose total value exceeds twenty-five dollars on his gift disclosure form.

The donations to the department director constitute a gift as defined in Section 2-11.1(e)(1). 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 financial donations meet the definition of gift in the ordinance, as they 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 employees may lawfully donate money to the department director, as the donations do not fall under any of the prohibitions listed in 2-11.1(e)(3), however, they may not solicit funds from other employees. The solicitation of gifts by county employees is barred by Section 2-11.1(e)(3). Therefore, employees may personally contribute to the director but they may not request funds from other employees through any means.

Finally, the Conflict of Interest and Code of Ethics ordinance requires the department director to disclose any gift or series of gifts in excess of twenty-five dollars.

Therefore, the Conflict of Interest and Code of Ethics ordinance permits individual employees to donate money to the director but they may not solicit funds from other employees. Finally, the director must disclose any payment or series of payments in excess of twenty-five dollars.

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