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STAFF GENERAL COUNSEL

November 22, 1999

Arthur Berger, J.D.  
1000 Island Boulevard #512  
Aventura, FL 33160

**RE: REQUEST FOR ADVISORY OPINION 99-49**

Dear Mr. Berger:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 18, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any possible violation of the gift provision of the Conflict of Interest and Code of Ethics ordinance in your participation in Project Match-up.

In your letter, you advised the Commission that you have created a program called Project-Match-Up to set up a clearinghouse to match the experiences of Dade County's older adults with the need of the public schools for volunteers in their intergenerational programs. In order to operate the program, you will have to solicit contributions from private and governmental services.

The Commission found that The Conflict of Interest and Code of Ethics ordinance does not prohibit Berger from soliciting contributions to the program from private and governmental sources. Section 2-11.1 (e) (2) (f) provides that " Gifts solicited by

Commissioners on behalf of the County in the performance of their official duties for use solely by the county in conducting its official business" are exempt from the definition of gift. Therefore, you may solicit contributions to fund the activities of Project Matchup.

Accordingly, The Conflict of Interest and Code of Ethics ordinance permits you to solicit funds from private and governmental contributors to fund Project Match-Up.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

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,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director