



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

August 21, 2003

Aletha Pennie
111 N.W. 1st Street
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 03-133

Dear Ms. Pennie:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 21, 2003 and rendered its opinion based on the facts stated in your request.

You requested an advisory opinion regarding any possible conflicts or prohibitions under the Code of Ethics Ordinance related to the solicitation of gifts and corporate sponsors for various department events, such as holiday luncheons and employee picnics.

In your letter you advised the Ethics Commission that the following three departments, CIO, EGOV and ITD, are in the process of jointly planning their Annual Holiday Luncheon. They would like to solicit gifts from corporations and restaurants to be raffled as door prizes during the luncheon. Some of these businesses presently contract with the departments.

The Commission found that the Conflict of Interest and Code of Ethics Ordinance prohibits the CIO, EGOV and ITD from soliciting gifts from corporations for events such as employee luncheons or department picnics. Section 2-11.1 (e), defines the term "gift" and sets forth the exceptions to the definition and other prohibitions. Section 2-11.1 (e)(3) provides in part, "A person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift." However, 2-11.1 (e)(2) states that the

term "gift" shall not apply to, "Gifts solicited by County employees or departmental personnel on behalf of the County in performance of their official duties for use solely by the County in conducting its official business."

In previous opinions, the Ethics Commission determined that gift solicitation, subject to certain guidelines, is permissible by employees, departmental personnel or officials on behalf of citizen education and outreach programs, County Commission sponsored events and community-based organizations. See RQO 01-139, where the Transit Department was permitted to solicit corporate sponsors to support its Transit Appreciation week, an event promoting citizen education and awareness about public transportation. More recently, RQO 03-19 permitted County contractors to adopt a local Head Start Center and donate gifts and other services to the children.

However, a distinction can be made between those department events which have a public purpose, promote community education or officially support charitable organizations, and those internal department events, such as employee picnics and holiday luncheons, which are solely for the entertainment and personal benefit of employees and departmental personnel. These latter events are not considered "official County business."

The Ethics Commission in no way seeks to discourage County departments from holding these worthwhile events; nevertheless, they should not be permitted to solicit gifts, corporate sponsors, underwriting costs or other contributions from businesses who may or may not be contracting with the County. Gift solicitation for such purposes potentially creates the appearance of a conflict or raises questions of impropriety.

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director

Cc: Lee Kraftchick, Assistant County Attorney