



VIA FACSMILE (786) 469-4639

December 19, 2007

**ETHICS COMMISSIONERS**

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ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Julie Edwards  
Interim Executive Director  
Community Action Agency  
701 N.W. First Court  
Miami, FL 33136

**RE: REQUEST FOR ADVISORY OPINION RQO 07-61**

Dear Mrs. Edwards:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 19, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Community Action Agency (CAA) staff may accept gift cards from a company that provides service to the agency.

In your request, you advised the Commission that CAA operates the Low Income Home Energy Assistance program that provides financial assistance with FPL costs to low income residents that are in need of assistance with utility bills. CAA has an arrangement with FPL where they provide payment for qualifying residents. CAA does not contract with FPL.

FPL would like to provide \$50 gift cards to CAA staff members in the Self-Help Division. The Self-Help division administers the program. CAA would distribute the gift cards at the annual holiday event.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits CAA staff to accept gift cards from FPL. Section 2-11.1(e) only prohibits staff from accepting gifts in exchange for the

performance of an official duty or the violation of an official duty. Section 2-11.1(e) defines a gift as the transfer of anything of economic value whether in the form of money, service, loan, entertainment, hospitality, item or promise or in any other form without lawful and adequate consideration. Section 2-11.1(e)(3) provides that it shall be unlawful for a person to accept a gift in exchange for the performance of or failure to perform official action, performance of a legal duty or failure to perform a legal duty or violation of a legal duty. Since the gift cards are not in exchange for the performance of a legal duty or the failure to perform a legal duty, CAA staff may accept them.

However, although not legally prohibited, the Ethics Commission found that acceptance of the cards creates an appearance of impropriety. Therefore, CAA should find an alternative to distributing the cards to employees in the division that works with FPL. For example, CAA could randomly distribute the gift cards to low-income residents or employees throughout the agency.

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 this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Ardyth Walker for", written over the typed name of Robert Meyers.

ROBERT MEYERS  
Executive Director