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STAFF GENERAL COUNSEL

October 31, 2008

Lorraine Harris  
Administrator  
Miami-Dade County Community Advisory Board  
11025 S.W. 84<sup>th</sup> Street  
Cottage 4  
Miami, FL 33173

**RE: REQUEST FOR ADVISORY OPINION RQO 08-48**

Dear Mrs. Harris:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 31, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether you may accept an event ticket from Florida Power and Light (FPL). FPL participates in an energy program operated by CAA.

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. CAA provides FPL payments for thousands of households and negotiates payment arrangements for other residents. CAA does not contract with FPL.

CAA also provides transportation for elderly residents to adult day care facilities, medical facilities and grocery shopping. You provide transportation services in your position as an administrator for CAA and do not work for the division that administers the FPL program. Transportation services were provided through the Department of Human

Services until the end of September. The service was transferred to CAA as part of a FY09 budget reorganization.

The Alliance for Aging provides partial funding for the transportation program. As a grant agency, the Alliance for Aging encourages its providers to serve on agency committees. You serve as a member of the Positive Aging Committee. The Positive Aging Committee is hosting the November event and tickets are being sold for one hundred and fifty dollars. Another committee member is a FPL employee and has purchased a table for the event. The board member has offered the seats to members of the committee.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits you to accept a ticket to the dinner as long as you report it as a gift. The dinner ticket is a gift under the Conflict of Interest ordinance. 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.

An employee may accept a gift as long as it is not in exchange for an official act or for the failure to perform an official act. 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. However, the employee must report any gift or series of gifts that is more than one hundred and fifty dollars in a calendar quarter. Therefore, the Conflict of Interest ordinance permits you to accept the ticket but you must report the ticket as a gift.

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 cursive script, appearing to read 'Robert Meyers', followed by a long horizontal flourish.

ROBERT MEYERS  
Executive Director