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June 24, 2009

**ETHICS COMMISSIONERS**

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Assistant Director  
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Division  
Office of Community and Economic Development  
701 N.W. First Court  
14<sup>th</sup> Floor  
Miami, FL 33136

**RE: REQUEST FOR ADVISORY OPINION RQO 09-21**

Dear Mr. Prats:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 23, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the department may solicit and accept sponsorships from firms who do business with the department.

In your request, you informed the Commission that the Office of Community and Economic Development (OCED) holds special events during the year including National Community Development Week. During National Community Development Week, the department hosts a number of events including a small business development expo, a tour of facilities that are engaged in programs and activities funded in whole or part by OCED and a proclamation ceremony. During the events, participants are served lunch and provided with promotional items.

OCED traditionally seeks sponsorship of these events. Some of the sponsors participate in

OCED programs. This year, some funding was provided by Great Florida and Northern Trust Bank. The banks participate in mortgage programs administered by OCED. In order to participate in the mortgage program, financial institutions must provide OCED information regarding the banks' financial stability and mortgage requirements. The financial institutions must also agree to abide by OCED regulations regarding its mortgage programs. OCED reviews each application and only approved lenders are permitted to participate in the program.

The Ethics Commission found that OCED may solicit and accept sponsorships from banks and other entities that participate in OCED programs. However, OCED may not target businesses that receive funding from the department or participate in departmental programs when seeking sponsors. Further, departmental personnel (department directors, division directors, assistant directors and deputy directors) are prohibited from soliciting sponsorships for departmental events.

The Ethics Commission has consistently held that departments may accept funds from vendors for departmental activities. However, the director and the procurement staff are prohibited from participating in solicitations. OCED is composed of several divisions. The Community and Economic Development Division is responsible for administering local, state and federal programs that provide funding to community based organizations. The Urban Revitalization Task Force provides funding recommendations in federally established target urban areas. The Housing Development Division provides loans and other funding to developers of low and moderate income housing.

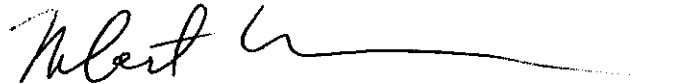
Since the firms that participate in mortgage programs and other OCED funded activities may deal with other staff outside the procurement

function, the prohibition should be extended to all departmental personnel who are in the position to make final recommendations and decisions regarding firms or entities that are receiving OCED funding or participate in departmental programs. Accordingly, the department director, deputy directors, assistant directors and division directors should not solicit individuals and entities for financial support of OCED activities.

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 "Robert Meyers", followed by a long horizontal flourish line.

ROBERT MEYERS  
Executive Director