



Via First Class Mail
and
email at apierre@northmiamifl.gov

August 2, 2011

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ARDYTH WALKER
STAFF GENERAL COUNSEL

The Honorable Andre D. Pierre
Office of the Mayor
North Miami City Hall
776 NE 125 St.
North Miami, FL 33161

Re: RQO 11-18

Dear Mayor Pierre:

In public session on July 26, 2011, the Ethics Commission opined that you are required to disclose as a gift the cost of a trip you recently took to Senegal, but you are not required to disclose as a gift a trip to China.

The rationale for these findings is as follows:

SENEGAL: In June 2011, you attended a signing ceremony held in Dakar, Senegal. The Republic of Senegal and the President of Senegal paid for all costs. Because you attended in your individual capacity as a member of the National Conference of Black Mayors, the Ethics Commission reasoned that this was a gift to you personally. The city of North Miami did not authorize you to represent the city at the event, nor did the city conduct any official business at the event.

CHINA: You and your staff have been invited by Sister Cities International to attend a forum in Chengdu, China, in August 2011. The donor of the trip is the World Cities Scientific Development Alliance, a Chinese organization. Because the city of North Miami is a member of Sister Cities International¹ and you and your staff have been authorized by the city to represent the city at the forum, the Ethics Commission reasoned that this was a gift to the city. Municipalities may accept gifts to be used to conduct official government business.²

The Miami-Dade County Code defines a gift as the transfer of anything of economic value for which no adequate consideration has been given.³ Elected officials and their staffs must disclose gifts they receive valued over \$100 using a Gift Disclosure Form, filed in the quarter following the quarter in which the gift was received.⁴

¹ Sister Cities International is designated by the IRS as a nonprofit, tax-exempt organization.

² "The provisions of Subsection (e)(1) [regarding gifts] shall not apply to...[g]ifts solicited by [elected officials] on behalf of the [city] in performance of their official duties for use solely by the [city] in conducting its official business." Miami-Dade Co. Code at Sec. 2-11.1 (e)(2)(f).

³ Miami-Dade Co. Code at Sec. 2-11.1 (e)(1).

⁴ Miami-Dade Co. Code at Sec. 2-11.1 (e)(4).

Based on the foregoing, you must disclose the trip to Senegal (which occurred in the second quarter of 2011) by September 30, 2011, on a Quarterly Gift Disclosure Form. The trip to China need not be disclosed because it falls within one of the exceptions to the definition of gifts, as per the County Ethics Code at Sec. 2-11.1 (e)(2)(f).

You stated that no immediate family members have accompanied, or will accompany, you or city staff on these trips as guests of the donors or in any other way free of charge. If immediate family members were to receive free transportation or related costs by virtue of their relationship to you or city staff, or have received expenses free of charge, you and/or staff would be required to disclose the gifts given to your families on a Quarterly Gift Disclosure Form.

This opinion is limited to interpretation of the Miami-Dade County Code of Ethics based on the facts presented. Inquiries regarding possible conflicts under State law should be addressed to the State of Florida Commission on Ethics.

If you have additional questions, please feel free to contact me or Staff Attorney Victoria Frigo at 305 579-2594.

Sincerely,



ROBERT MEYERS
Executive Director

copy: Natasha Colebrook-Williams, Constituent Services Coordinator, at
ncolebrook-williams@northmiamifl.gov