

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, October 31, 2018 9:31 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-237, Commissioner and Port Director Cruise Ship Travel by Invitation of Port Vendor/Contractor, §2-11.1(w), Ethics Code
Attachments: INQ 18-237.pdf

INQ 18-237 Sosa and Kuryla

From: Arrojo, Jose (COE)
Sent: Wednesday, October 31, 2018 9:01 AM
To: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Webb, Hydi (Seaport) <Hydi.Webb@miamidade.gov>
Cc: Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: INQ 18-237, Commissioner and Port Director Cruise Ship Travel by Invitation of Port Vendor/Contractor, §2-11.1(w), Ethics Code

Dear Ms. Aguirre and Ms. Webb:

Thank you for engaging with the Miami-Dade Commission on Ethics and for seeking our guidance regarding the above referenced transaction. Please pass along my best regards to Commissioner Sosa and Port Director Kuryla. Please do not hesitate to contact me should you need any additional information.

Sincerely,

Jose

Jose J. Arrojo

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Miami-Dade Commission on Ethics and Public Trust
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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Rebeca Sosa
District 6 Commissioner

Juan M. Kuryla
Port Director

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 18-237, County Paid Travel on Inaugural Cruise – County Vendor

DATE: October 30, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You have advised that Royal Caribbean Cruises Ltd. (RCCL), is a client/vendor of Port Miami. RCCL is showcasing its newest ship, the Symphony of the Seas, in an inaugural cruise open only to cruise/tourism industry representatives and local government officials on November 13, 2018. The Symphony of the Seas will be sailing regularly from Port Miami's new Terminal A starting in November 2018. This will have an economic impact on the port and the greater Miami-Dade community.

The inaugural cruise is expected to sail from Miami on the late afternoon of November 13, 2018 and return from sea to port on the early morning of November 15, 2018.

District 6 Commissioner, Rebeca Sosa, is the Chairwoman of the Board of the County Commission's (BCC) Economic Development and Tourism Committee that has policy oversight over the seaport. Juan Kuryla is the Port Director.

Commissioner Sosa and Director Kuryla, have been offered the opportunity to sail on the Symphony of the Seas' inaugural cruise because of their policy and operational leadership positions over the port and its clients/vendors, including RCCL. Cruise and tourism officials

will be traveling gratis on the inaugural cruise, but local government officials are being charged \$200 per night plus fees.

During the cruise, County officials will be meeting and interacting with the ship's Captain and other members of the RCCL corporate leadership team as well as cruise/tourism industry representatives. Additionally, there will be at least one official function where the ship captain and corporate representatives will be recognized for their commitment to Port Miami and greater county tourism with an official proclamation.

The question presented is whether the local officials may accept the inaugural cruise invitation and if so, whether county funds may be used to pay for the roughly \$400 to \$500 per person cost?

Discussion: The issue presented is dissimilar to one involving the acceptance by Port Miami employees of a free cruise from another Port Miami client/vendor, Disney Cruise Line. (INQ 12-229). In that instance, a port employee won a free cruise in a raffle. We opined at that time that §2-11.1(w), of the Conflict of Interest and Code of Ethics Ordinance (Ethics Code) prohibits county officials or employees from accepting, directly or indirectly, any travel expenses, including, but not limited to transportation, lodging, meals, registrations fees and incidentals from any County contractor, vendor, service provider, bidder or proposer. This restriction may be waived by a majority vote of the County Commission. Because the cruise line was a county contractor or service provider, the prohibition would extend to port employees' acceptance of the complimentary cruise unless a waiver was granted by the County Commission.

The present situation is more like the one presented involving the inaugural cruise of the Norwegian Breakaway and Norwegian Cruise Line's invitation to Port Miami officials. (INQ 13-101) We opined in that instance that while the same §2-11.1(w), Ethics Code prohibitions would apply regarding county officials' acceptance of a free inaugural cruise, that if participation in the inaugural cruise had significance to Port Miami officials because of its partnership with the cruise line that sails out of the port, and there would be some legitimate public benefit accruing to the County because of the networking opportunities available with cruise/tourism officials, then they may accept the cruise invitation and either apply for a waiver from the County Commission, have the County pay for costs associated with the travel, or personally pay for the cruise. (*See also* INQ 15-182)

Another provision of the Ethics Code may be implicated by the above described factual scenario because § 2-11.1 (e)(4) of the Ethics Code requires disclosure of any gift having a value of \$100 or more. In this instance, meals and beverages will be provided to the county officials sailing on the inaugural cruise. However, because meals and beverages will be included in the \$200 per night cost of the cruise that is anticipated will be paid with county funds, then consideration has already been paid and these meals and beverages would not be considered gifts that must be reported. (RQO-110)

Opinion: RCCL is a client/vendor of Port Miami and the Symphony of the Seas is a new ship that will begin sailing from Port Miami new terminal in November 2018. The inaugural cruise is not open to paying private customers but only cruise/tourism officials, cruise line executives and specified county officials engaged with the port in policy or operational capacities. It has

been represented that there is a legitimate public purpose for the officials travel and there will be at least one governmental function during the cruise.

Accordingly, Commissioner Sosa and Port Miami Director Juan Kuryla may accept an invitation to the inaugural cruise of the Symphony of the Seas, operated by a county vendor/client RCCL if the costs of the cruise are paid with county funds because there is a legitimate public purpose for the trip. Meals and beverages included in the per night fee to be paid would not be considered gifts that have to be reported.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.