



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Juan M. Kuryla
Port Director

FROM: Jose J. Arrojo, Executive Director
Commission on Ethics 

SUBJECT: INQ 19-50, Sections 2-11.1 (w), (e) and (g), Conference Sponsored Asia
Travel Costs

DATE: April 29, 2019

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 the China Cruise & Yacht Tourism Economic Research Institution (CCYT) has invited you to lecture at conference to be held in Shanghai, China on May 22-23, 2019. The conference title is: "Linkage of Cruise Lines, Cruise Terminals, and Travel Agents in Asia -- Investment and Business Model, Operation and Revenue Management of Cruise Terminals."

The CCYT was formerly affiliated with the Shanghai Maritime University, which in turn traces its history back to predecessor entities over a century ago, but it now operates independently.

In its materials, the CCYT advises that it has also extended invitations to representatives of Asia's major cruise ports, cruise line managers, Chinese overseas long-line travel agencies, and government and tourism representatives.

Your presentation topic is described as: Operation and Revenue Management of Cruise Terminals. You will be focusing your presentation on the successful Port Miami model.

Again, in its materials, CCYT advises that the conference will also afford you the opportunity to introduce Miami's cruise line products, engage with Chinese long-line travel agencies and

attract more Chinese tourists to take cruises from Miami. You have advised that you intend to take full advantage of this opportunity.

CCYT will be paying for your air travel, ground transportation, and room and board expenses as consideration for your attendance and lecture. They additionally offered to compensate you for your presentation, but you have declined to accept lecture fees.

CCYT is not a County vendor and the Mayor of Miami-Dade County has approved your travel and participation in the conference.

Discussion:

Section 2-11.1(w) of the Miami-Dade Conflict of Interest and Code of Ethics (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 it is reported that CCYT, the funding entity for the proposed travel to Shanghai, China, is not a County contractor, vendor, service provider, bidder or proposer, then Subsection (w) is not applicable. (*see* INQ 19-10)

Section 2-11.1(e) (4), *Disclosure*, provides that gifts not solicited or received as part of a prohibited quid pro quo transaction must nonetheless be disclosed if the gift has a value in excess of \$100. However, Section 2-11.1(e) (2) e., *Exceptions*, provides that gifts solicited or accepted by employees on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business are both appropriate and do not need to be disclosed as gifts.

The Ethics Commission has previously opined that when an employee's attendance at a conference is connected to his or her duties, for a demonstrable public benefit, then the attendance and associated costs qualify for the exceptions contained in Section 2-11.1(e)(2). Thus, the official's attendance at the event would not be considered a gift under Section 2-11.1(e) of the Code and need not be disclosed pursuant to Section 2-11.1(e)(4). (*See* INQ 19-47, INQ 14-155)

In this case, your attendance at the conference will afford you the opportunity to laude Miami's sea port and cruise line industry, engage with Chinese and other Asian tourism and cruise line representatives, and if successful draw Chinese and other Asian tourists to Port Miami. This is a demonstrable public benefit. As such, the costs associated with your attendance at the conference qualify for the exemptions contained in Section 2-11.1(e) (2) e. of the Ethics Code.

Finally, Section 2-11.1(g) of the Ethics Code prohibits public officials from exploiting their official position for private gain or benefit. However, expanding travel and business

connections between Miami-Dade County and Asia is objectively a laudable public purpose.

Opinion:

CCYT is not a client or vendor of Port Miami or Miami-Dade County. Because you are traveling to the conference and your attendance will serve a demonstrable public goal then you may attend the conference and CCYT may pay the costs associated with your air travel, ground transportation, and room and board, and these will not be reportable gifts.

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.

