

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, October 04, 2011 4:54 PM  
**To:** 'MPearl@wsh-law.com'  
**Subject:** Gift Solicitation Quesiton (INQ 11-149)

Hello Matthew,

You asked if city employees may solicit gifts from local businesses to be used as door prizes at a Christmas party to be attended by city employees and their families.

Previous opinions of the Miami-Dade Ethics Commission have determined that solicitations by government employees for employee parties are prohibited.

Although Sec. 2-11.1 (e)(2)(e) of County Code allows city employees to solicit gifts on behalf of their city “for use solely by the [city] in conducting its official business,” a holiday party for city employees and their families does not fall within the plain meaning of “official city business.”

Government employee solicitations have been allowed under the County Code as long as vendors and lobbyists are not targeted and as long as the gift contributes to the health, safety and welfare of citizens generally and not the welfare of specific individuals or a class of persons.

A resolution, directive or order from the city commission designating an employee party as “official city business” might overcome this obstacle, but the appearance of impropriety associated with a party for employees argues against such actions.

In our opinion INQ 06-41, the County Airport Department was encouraged to obtain a formal resolution, directive or order from the County Commission regarding solicitations by Airport employees. In that case, employees were soliciting sponsorships for art work to be displayed at MIA, with no benefit to themselves.

In another opinion to the County Aviation Department, INQ 09-05, employees were not permitted to solicit contributions for a fellow employee’s retirement party because the party was not considered official County business.

On the other hand, employees of Jackson Memorial Hospital (a County agency) are allowed to solicit contributions on behalf of the JMH Foundation, a nonprofit organization that supports Jackson Memorial Hospital, as long as vendors are not targeted. (RQO 06-05)

I understand that you have already conferred with Chris Anderson at the State Ethics Commission for an opinion under State law. Please feel free to contact me if you would prefer to bring your question directly to the Miami-Dade Ethics Commissioners at a public meeting.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

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**From:** Matthew Pearl [<mailto:MPearl@wsh-law.com>]

**Sent:** Monday, October 03, 2011 6:28 PM

**To:** Frigo, Victoria (COE)

**Subject:** Gift Solicitation Quesiton.

Good afternoon Ms. Frigo,

One of our firm's client cities has posed a question regarding the solicitation of gifts that I would like your input on. The City wishes to have City employees solicit gifts of varying value from local businesses to be used as raffle prizes at the City Christmas party. Has the Commission opined on whether this type of solicitation would be exempt from the definition of "gift" as provided for in Section 2-11.1(e)(2)(e)? If not, do you believe that this type of solicitation would be prohibited pursuant to Section 2-11.1 of the County Code?

I appreciate you input and look forward to hearing from you. I hope that all is well.

Regards,



**Matthew Pearl**  
Associate

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{Reply Separator}