

Frigo, Victoria (COE)

From: Centorino, Joseph (COE)
Sent: Thursday, December 27, 2012 5:14 PM
To: Webb, Hydi (Seaport)
Cc: Frigo, Victoria (COE)
Subject: INQ - Bill Johnson, Director, Port/Miami

Ms. Webb:

This is in response to the inquiry of Bill Johnson, Director of the Port of Miami, regarding the propriety of port employees accepting a complimentary cruise from Disney Cruise Line. After reviewing the circumstances and information available to me, I have concluded that, absent a waiver from the Miami-Dade County Commission, the acceptance of such a cruise by county employees is prohibited under the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

I understand that six Port employees, who are also County employees, were the recipients of complimentary cruise tickets that were included in raffle prizes given out by Disney Cruise Line at the "Save Us A Spot Celebration" at Bayside Marketplace on Wednesday, November 28, 2012. They were among 100 winners of the raffle which included a total of 321 entrants. Each winner received complimentary tickets for up to four persons to go on a five-night cruise leaving on January 5, 2013. The raffle was advertised publicly and open to all members of the public.

Disney Cruise Line is the newest customer of the Port. A Terminal Berthing Agreement between Miami-Dade County and Magical Cruise Company, Ltd., d.b.a. Disney Cruise Line was approved by the Miami-Dade County Commission in November and executed on December 3, 2012, by Mayor Carlos Gimenez on behalf of the County and Karl Holz, President of Magical Cruise Company, Ltd. Because of the existing agreement, Magical Cruise Company, Ltd., d.b.a. Disney Cruise Line is a County contractor.

Section 2-11.1(w) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance provides that county employees may not "accept, directly or indirectly, any travel expenses including, but not limited to, travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any County contractor, vendor, service provider, bidder or proposer." This provision may be waived only by a majority vote of the County Commission.

Because Disney Cruise Lines is a County contractor, County employees may not accept the free travel and other incidental benefits that come with a complimentary cruise from Disney Cruise Lines. This means that County employees working at the Port of Miami, who may have won complimentary cruise tickets in the raffle on November 28, may not use them personally and may not distribute them to others for their use. This prohibition may be waived only by a majority vote of the County Commission.

If you have any questions about this opinion, please feel free to call me at the number listed below.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594

Fax: (305) 579-0273
www.miamidadeethics.com

