

Frigo, Victoria (COE)

From: Ethics (COE)
Sent: Thursday, October 24, 2013 10:06 AM
To: Scurr, Charles (CITT)
Cc: Frigo, Victoria (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ - Charles Scurr, CITT (Gift Disclosure)

Mr. Scurr:

You have requested an opinion concerning whether you must disclose your receipt of complimentary tickets provided to you and your wife to attend events related to her work as Executive Director of the Miami Coalition for the Homeless. These are tickets that are generally provided to her at no expense, and which she is required to attend. She is not a county employee and MCH receives no county funding. These events are not related to your work as a county employee at Citizens Independent Transportation Trust.

A complimentary ticket or other transfer to you of anything of economic value would be considered a gift under Section 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance unless it falls under one of the exceptions in the latter ordinance. As a county employee, you would have a duty to disclose any gift received by you having a value in excess of \$100.00 by filing the necessary state form which is required pursuant to Section 2-11.1(e)(3) to be filed quarterly with the Clerk of the Board of County Commissioners. There is an exception in Section 2-11.1(e)(2)(b) of the ordinance for "Gifts from relatives or members of one's household." The question you must ask in any particular situation in the above circumstances is whether the ticket has been provided by the donor to you or to your wife for the specific purpose of your personal use.

If the tickets have been provided to your wife for purpose of bringing a guest at her discretion, then the gift of the extra ticket is to your wife, who has no disclosure responsibilities under the county ordinance, and her transfer of the ticket to you is a gift from a relative or a member of your household. Under the section noted above, such a gift is excepted from the county ordinance and need not be disclosed by you.

If, on the other hand, the donor intends the extra ticket to be a gift for your personal use, then the gift is from the donor, not from your wife, and you would have a disclosure duty if the gift exceeds \$100.00 in value.

In making this determination, I suggest that you take care in determining the intent of the donor. In the event of any uncertainty regarding your disclosure responsibility, you may always ask this agency for an opinion. In a close situation, it is always safest to make the disclosure.

You should be particularly attentive to situations where the donor is also a county lobbyist, vendor or contractor, or a person or entity transacting business with your agency. Under Section 112.3148(4), Florida Statutes, a person who is considered a "reporting individual" or a "procurement employee" is prohibited from accepting a gift in excess of \$100 from a lobbyist who lobbies or a vendor who does business with that individual's agency, including the employers or principals of such lobbyists or vendors. Any question regarding the State of Florida ethics provisions are under the jurisdiction of the State of Florida Commission on Ethics.

If we can be of further assistance to you, please do not hesitate to contact us at 305-579-2594.

From: Scurr, Charles (CITT)
Sent: Wednesday, October 23, 2013 4:42 PM
To: Ethics (COE)
Subject: Request for Opinion

The purpose of this email is to request an opinion concerning Gift Disclosure.

Here is the situation:

- I am a County employee working for the Citizens Independent Transportation Trust. The Trust administers the ½ cent transportation surtax. Funding is provided to the County and the municipalities.
- My wife is the Executive Director of the Miami Coalition for the Homeless (MCH), a private non-profit organization. MCH does not receive any surtax funding from the CITT or any County funding.
- As the Executive Director of MCH my wife is required to attend events related to her work. An example would be an Annual Dinner for another non-profit organization. Another example would be an event held by her organization
- She is typically provided tickets to these events at no expense
- I am occasionally requested/invited to attend as her spouse

My question concerns the Gift Disclosure Rules. Am I required to disclose my ticket for these events?

Thank you.

*Charles Scurr
Executive Director
The Transportation Trust*