

## Diaz-Greco, Gilma M. (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, December 24, 2013 12:25 PM  
**To:** 'Walker, Christopher'  
**Subject:** RE: Miami Dade County - Ethics Policy Inquiry  
**Attachments:** Lobbying FAQs final.docx

Dear Mr. Walker,

You have inquired about the Ethics Code gift and lobbying ordinances. Specifically, you have asked the following three questions:

1. Reporting Threshold of \$100 – Does the \$100 gift value (amount allowable for Miami Dade (MD) employees to accept before triggering a reporting requirement) apply on a per occurrence basis, or is it applied on a per vendor/contractor basis? (Example: Employee X receives five lunches from Jacobs with each lunch costing \$25. Does Employee X have to report these lunches under MD's ethics policy?)
2. Existing Contract and G&E – If Jacobs **has** an existing contract with MD and provides lunch to MD employees related to the work under that contact, does this action trigger any obligations under MD's policy or state law related to lobbying activities or other prohibitions under MD's policy except as provided in Item 1 above?
3. No Contract and G&E – If Jacobs **does not** have an existing contract with MD and provides lunch to MD employees, does this trigger any obligations under MD or state law related to lobbying activities or other prohibitions under MD's policy except as provided in Item 1 above? Additionally, if Jacobs **has** an existing contract with MD **but** provides lunch to MD employees **on an unrelated pursuit**, does this trigger any obligations under MD or state law related to lobbying activities or other prohibitions under MD's policy except as provided in Item 1 above?

Questions one and two can be answered by a discussion of Ordinance 2-11.1 (e) which governs gifts. Under this section, it is unlawful for a County official or employee to solicit or demand a gift in exchange for an official duty or public action. A gift is defined as anything of economic value—whether in the form of money, service, a loan, travel, entertainment, hospitality, meals, or a promise of such—without adequate consideration. The gift policy applies whether a company is a current or prospective County vendor or contractor.

Unsolicited gifts not offered in exchange for official action are not prohibited under the code, but must be reported by the recipient if they exceed \$100.00. The reporting is done quarterly. The gift value of \$100.00 is calculated cumulatively for each county employee. For example, if a County employee accepts 5 lunches within a quarter (considered gifts under the Ethics Code) valued at \$25.00 each, the total of \$125.00 exceeds the \$100.00 threshold and must be reported.

**Please note however**, that the Ethics Commission **strongly discourages** County employees from accepting gifts, particularly from County vendors, because it may create an appearance of impropriety which can diminish public trust. Furthermore, some County and departments have instituted more restrictive gift policies. For example, ISD, a County Department that includes Procurement, has a no gift policy. Therefore, you should contact the particular County department you are working with and inquire about their gift policy.

Question three can be answered by looking at Ordinance 2-11.1(s) which addresses lobbying. Lobbying is defined as seeking to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of the County Commission; any action, decision or recommendation of any County board or committee; or any action, decision or recommendation of County City personnel. Those engaging in lobbying activities are required to register as lobbyists with the County Clerk of the Board. I have attached a document that answers frequently asked questions about lobbying for your information.

You specifically inquired whether your company, Jacobs, is prohibited under the lobbying section of the Ethics Code from providing lunch to County employees either under an existing or prospective contract. Under an existing contract, the lobbying section would not apply unless your company was lobbying for a renewal of the contract. However, the gift prohibition and disclosure requirements would still apply. With respect to a new contract, discussing the details of such a contract would likely constitute lobbying and all of the requirements set out in Section (s) of the code would have to be met. Further, please note that lobbyists who in the preceding 12 months engaged in lobbying activities in the County are barred under state law from giving gifts to **County personnel** in excess of \$100.

I hope that this is helpful. Please do not hesitate to contact me if you have any questions.

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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Best regards,

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**From:** Walker, Christopher [mailto:Chris.Walker@jacobs.com]

**Sent:** Wednesday, December 11, 2013 4:03 PM

**To:** Diaz-Greco, Gilma M. (COE)

**Cc:** Curtis, Debbie

**Subject:** Miami Dade County - Ethics Policy Inquiry

Mrs. Diaz-Greco,

It was a pleasure speaking with you today regarding Miami Dade's ethics policy. As I mentioned, Jacobs takes its ethical obligations very seriously and is always vigilant in its efforts to prevent any unethical conduct by its employees and/or clients. In furtherance of this effort, and per our discussion, I am providing the following questions for your review and response:

1. Reporting Threshold of \$100 – Does the \$100 gift value (amount allowable for Miami Dade (MD) employees to accept before triggering a reporting requirement) apply on a per occurrence basis, or is it applied on a per vendor/contractor basis? (Example: Employee X receives five lunches from Jacobs with each lunch costing \$25. Does Employee X have to report these lunches under MD's ethics policy?)

2. Existing Contract and G&E – If Jacobs **has** an existing contract with MD and provides lunch to MD employees related to the work under that contract, does this action trigger any obligations under MD’s policy or state law related to lobbying activities or other prohibitions under MD’s policy except as provided in Item 1 above?
  
3. No Contract and G&E – If Jacobs **does not** have an existing contract with MD and provides lunch to MD employees, does this trigger any obligations under MD or state law related to lobbying activities or other prohibitions under MD’s policy except as provided in Item 1 above? Additionally, if Jacobs **has** an existing contract with MD **but** provides lunch to MD employees **on an unrelated pursuit**, does this trigger any obligations under MD or state law related to lobbying activities or other prohibitions under MD’s policy except as provided in Item 1 above?

The above inquires are all based on the basic premise that there is no “intent to influence” any MD employee in any manner. As such, please let me know if you have any questions related to same. Otherwise, I look forward to your response and guidance on these issues.

Thanks you again for your assistance.

Regards,

***Christopher L. Walker***

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