
INQ 16-190 Miller

From: Perez, Martha D. (COE)

Sent: Monday, July 25, 2016 3:24 PM

To: Hire Miller, Arletha (ITD) <Arletha.HireMiller@miamidade.gov>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>;

Turay, Radia (COE) <Radia.Turay@miamidade.gov>

Subject: Arletha Hire Miller, ITD, Gifts, INQ 16-190

Dear Arletha,

You inquire whether County employees may accept a “gift card” of \$50.00 provided by BJ’s Wholesale, a County merchant.

Background

The County has instituted a program whereby County businesses are invited to County facilities to promote their businesses. BJ’s Wholesale is not a registered County vendor; however, it conducts business in the County and was thus, provided the opportunity to be on site at the Government Center on June 8, 2016 to advertise for and solicit membership. BJ’s provided a \$50 gift card redeemable at restaurant.com, available to all County employees who signed up for membership.

Analysis

Section 2-11.1(e)(3) of the County Ethics Code (Gift Ordinance), prohibits the acceptance of gifts given in exchange for the performance of or failure to perform some official action taken by a County official or employee. Section 2-11.1(e)(4) would also require disclosure of any gift of a value in excess of \$100. (Additionally, Section 112.3148, Florida Statutes, prohibits “reporting individuals” or “procurement employees” from accepting gifts from County vendors or lobbyists in excess of \$100).

In this instance, County employees received the gift cards from BJ’s which were clearly intended as a promotional sales strategy rather than an intent to bestow a gift in exchange for any official action. Also, the value of the gift card is \$50, under the reportable requirement. *See* RQO 07-61. Consequently, a County employee may accept the gift card valued at \$50 from BJ’s Wholesale.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change. . Inquiries regarding possible conflicts under State law should be directed to the Florida Commission on Ethics.

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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From: Hire Miller, Arletha (ITD)
Sent: Thursday, July 21, 2016 4:17 PM
To: Perez, Martha D. (COE)
Subject: RE: BJ's Gift inquiry

Hi Martha,

Attached is a copy of the coupon received from BJs as an incentive to sign up for a BJs membership.

Thank you.

From: Perez, Martha D. (COE)
Sent: Thursday, July 21, 2016 4:11 PM
To: Hire Miller, Arletha (ITD) <Arletha.HireMiller@miamidade.gov>
Subject: BJ's Gift inquiry

Hi Arletha,

If it isn't too much trouble, could you please send me an email with your inquiry re BJ's? Mr. Centorino would prefer that these questions be written.... Please describe the Program, whether BJ is a vendor and the employees offered this discount...ie., all County employees?, etc.

I appreciate it. I'm off tomorrow but will get you a response early next week.

Thanks. Have a good weekend.

Martha D. Perez
Staff Attorney
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\$50

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