

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, December 09, 2016 10:51 AM
To: Sanchez, Rodzandra (COE)
Subject: Vivian Walters, Small Business Division Section Chief (solicitation) INQ 16-275,

[INQ 16-275 Walters](#)

From: Turay, Radia (COE)
Sent: Friday, December 09, 2016 10:45 AM
To: Walters, Vivian (ISD) <WalterV@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: INQ 16-275, Vivian Walters, Small Business Division Section Chief (solicitation)

Dear Mr. Walters,

You have inquired regarding whether the Outreach and Education section of Small Business Development, a division of the Miami-Dade County Internal Services Department, may be involved in soliciting sponsorship packages from private entities in support of the section's outreach and training events that it provides to small businesses. The funds raised from the solicitation would go toward offsetting the food/refreshments expenses which would otherwise be borne by the Small Business Development section.

Analysis

Section 2-11.1(e)(2)(e) of the Miami-Dade County Conflict of Interest and Code of Ethics excepts "Gifts solicited by County employees or departmental personnel on behalf of the County in performance of their official duties for use solely by the County in conducting its official business," from the definition of gift in Section 2-11.1(e)(1). Therefore, the general prohibition in the ordinance against the solicitation of gifts by County personnel would not apply if there is a clear public purpose attached to this solicitation. It is thereby recommended, that you determine whether there is a clear public purpose attached to this solicitation.

Additionally, although the Commission on Ethics has no jurisdiction to officially interpret or enforce Florida State Law, in the event that you determine that there is a clear public purpose for the solicitation, it will fall within the exemptions in Sections 112.3148(4), Florida Statutes, from the prohibitions against soliciting gifts from agency vendors or lobbyists, or accepting gifts in excess of \$100 from such vendors or lobbyists, since any gift received from the solicitation is not intended to personally benefit any individual official or employee and would be accepted instead on behalf of Miami-Dade County. We also assume, for the purposes of this inquiry, that none of the funds received from this solicitation would go toward travel or expenses related to travel by any County official or employee so as to implicate the prohibition against acceptance of travel expenses from County vendors, contractors, service providers, bidders or proposers, contained in Section 2-11.1(w) of the Code.

Accordingly, it is our opinion that the Small Business Development section may engage in solicitation for the purpose of raising funds to offset food/refreshments related expenses incurred in connection with its outreach and training events provided that the section determines that there is a clear public purpose for the solicitation. As an additional caveat, however, it has been the practice of this agency to discourage direct, targeted solicitations of County vendors and lobbyists for any special cause, even when such solicitations are not prohibited, to avoid an appearance of impropriety where the County or one of its agencies may appear to be applying pressure to one of its vendors or contractors to accede to a request for a contribution to an event in exchange for its continued business relationship with the County. It is suggested that any solicitation that is made to the business community be done in a general fashion as part of an overall fundraising

campaign and not be specifically targeted to a group of private individuals or entities engaged in County business, who should not be subject to personal contact or phone calls from individuals with whom they interact on County business.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

RADIA TURAY

Staff Attorney

Miami-Dade Commission on Ethics and Public Trust

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From: Walters, Vivian (ISD)

Sent: Wednesday, December 07, 2016 8:36 AM

To: Ethics (COE) <ethics@miamidade.gov>

Cc: Hartfield, Gary (ISD) <Gary.Hartfield@miamidade.gov>

Subject: Request For Guidance

Good Morning!

As indicated below, my name is Vivian and I am charged with the task of leading in the areas of "Outreach and Education" for Small Business Development, a Division of the Internal Services Department. Quite often our outreach and training events require sponsorship of one kind or another; particularly in the form of food/refreshments; (i.e. "in-kind contributions"), never cash; as such I am requesting some guidance as to what our limitations are as a County entity engaging organizations for sponsorships; including, but not limited to those who do business with the County.

I look forward to your timely response.

Thanks in advance for your time and consideration.

Regards,

Mr. Vivian O. Walters, Jr., SBD Section Chief

Miami-Dade County Internal Services Department

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