

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, December 23, 2016 11:44 AM
To: Sanchez, Rodzandra (COE)
Subject: James Stuart, Agency Clerk IV, Clerk of Courts Child Support Division (Gifts) INQ 16-289

INQ 16-289 Stuart

From: Ethics (COE)
Sent: Thursday, December 22, 2016 5:15 PM
To: Stuart, James (COC) <jstuart@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 16-289 James Stuart, Agency Clerk IV, Clerk of Courts Child Support Division (Gifts)

Mr. Stuart:

You have inquired concerning whether it would be considered a gift under Section 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for you to accept a theatre ticket from someone in exchange for your providing money for fuel.

Under Section 2-11.1(e)(1), a gift is defined as the "transfer of anything of economic value...without adequate and lawful consideration." You have not indicated the value of the ticket, nor the value of the money provided for fuel. For the exchange not to be considered a gift, the value of the exchanged goods should have a close enough corresponding value that they would be considered adequate and lawful consideration for the exchange. If the value of the two are greatly disproportionate, then they would not be considered as adequate and lawful consideration, and the difference between them would be considered a gift. If the value of the difference were to exceed \$100, then there would be a gift disclosure requirement under Section 2-11.1(e)(2)(4) for the amount of the difference. If the value of the difference is less than \$100 then no disclosure would be required.

I assume for the purposes of this opinion, that there is no connection between the provision of the ticket and your position or duties as a public employee that might involve an illegal quid pro quo, which would potentially render this an illegal gift.

If you have any other questions regarding this matter, please let me know.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
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From: James S. [<mailto:jstuart@miamidade.gov>]

Sent: Wednesday, December 21, 2016 4:31 PM

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

Subject: Gifts

On the topic of gifts, if I were to so much as have someone pay for a ticket for me to go a theatre in exchange for providing money for fuel, would it still be a gift?