

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, December 18, 2017 3:29 PM
To: Sanchez, Rodzandra (COE)
Subject: Daryl Hildoer, P.E., ENV SP, Engineer 3, Dept. of Transportation and Public Works, Stormwater Drainage Design Services (Gifts) INQ 17-285

INQ 17-285 Hildoer

From: Centorino, Joseph (COE)
Sent: Friday, December 15, 2017 10:01 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Cc: Hildoer, Daryl (DTPW) <Daryl.Hildoer@miamidade.gov>
Subject: INQ 17-285 Daryl Hildoer, P.E., ENV SP, Engineer 3, Dept. of Transportation and Public Works, Stormwater Drainage Design Services (Gifts)

This is a corrected version of INQ 17-285, due to a couple of minor typos. It does not change the substance of the original opinion.

From: Ethics (COE)
Sent: Thursday, December 14, 2017 5:33 PM
To: Hildoer, Daryl (DTPW) <Daryl.Hildoer@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: INQ 17-285 Daryl Hildoer, P.E., ENV SP, Engineer 3, Dept. of Transportation and Public Works, Stormwater Drainage Design Services (Gifts)

Mr. Hildoer,

You have inquired concerning whether, pursuant to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, you may accept a cake given as an Xmas gift to you by one of your consultants. It is assumed for the purposes of this inquiry that you have professional interactions with this consultant in the course of your official duties as P.E., ENV SP, Engineer 3 with the Miami-Dade County Department of Transportation and Public Works (DTPW). It is also assumed that, due to your official position with the Miami-Dade County government, you are in a position to have an effect on the County's contract for services with this particular consultant.

It is likely that the gift of a simple cake has minimal value. I will assume that the cake would be worth significantly less than \$100, the threshold value for gifts under Section 112.3148, Florida Statutes, which would be prohibited if given by a government contractor or vendors to a person who either has financial reporting requirements or is involved in the procurement process at a government agency, i.e. a "RIPE." If the gift were valued at over \$100, it would be illegal for you to accept it if you fell within one of the RIPE categories. I assume that the cake does not have such a value, regardless of whether you fit into one of those categories. I also assume that the gift was not solicited by you, but rather offered to you by the consultant. If it were solicited by you it would be an unlawful gift under Section 2-11.1(e)(3)

I understand that it is likely that such a gift was given out of personal respect or friendship and not for an overtly corrupt purpose. Nonetheless, any gift that is given to a public servant in Miami-Dade County which is related to the performance or non-performance of a public or lawful duty by a public servant, is not permissible to be accepted by the

public servant under Section 2-11.1(e)(3). Even though it may have been given only in gratitude for your honest and efficient public service, it would not be appropriate for you to accept such a gift.

Although such minimal gifts do not create serious concerns regarding corruption, the beginning of any gift-giving relationship between a government contractor or consultant and a public servant with whom the consultant/contractor has business interactions is to be avoided because it may easily lead in the direction of more significant integrity concerns. The best way to handle such a situation is to politely return the gift immediately, and to state to the consultant that you are not permitted to accept gifts from government consultants with whom you have professional interactions.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Hildoer, Daryl (DTPW)
Sent: Thursday, December 14, 2017 3:01 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Received a cake as a gift

To whom it may concern,

I received a cake from one of my consultant today as Xmas gift. Please advise on what I can do with it.

Thanks.

Daryl K. Hildoer, P.E., ENV SP, Engineer 3
Department of Transportation and Public Works
Stormwater Drainage Design Section
Ph: 305-375-4972
hildod@miamidade.gov