

Meyers, Robert (COE)

DBD 03-128

From: Meyers, Robert (COE)
Sent: Monday, December 29, 2003 1:42 PM
To: Brewster Maroun, Wendy (DBD) (305) 349-6114
Subject: Request for opinion

Wendy,

I want to provide you with a written response to the question you asked last week about the role of the Department of Business Development (DBD) soliciting gifts from private companies for a raffle at an event sponsored by DBD. As I understand it, the purpose of the forum is to encourage minority and other disadvantaged firms to gain DBD certification in order to compete for County contracts directly or to serve as subcontractors for other firms seeking to obtain County contracts. You want to know whether DBD can solicit local area businesses to donate prizes that will be raffled off at the forum. Those eligible for the prizes will come from the firms that attend the forum.

The County's Code of Ethics Ordinance prohibits County employees from soliciting gifts unless these gifts are solicited by employees in performance of their official duties for use by the County in conducting official County business. In limited circumstances, the Ethics Commission has permitted County personnel to solicit gifts to benefit community non-profit agencies, where these agencies are engaged in activities to improve the general welfare of Miami-Dade County residents.

With respect to the question you have posed, there is no denying the fact that the community benefits when the vendor pool is widened to enable a greater cross-section of the County to compete for and access the County's contracting process. The problem in this case is that the gifts that DBD wishes to solicit from private companies will eventually wind up in the hands of individuals and representatives of other private companies. The fact that the raffle-winners are associated with firms that are classified as minority or disadvantaged does not change the equation. Therefore, I conclude that the County Code of Ethics Ordinance prohibits DBD from soliciting gifts from private businesses that will be given away by raffle at a DBD-sponsored forum to representatives of minority and disadvantaged firms.

Please understand that the above represents a staff opinion and has not been presented to the full Ethics Commission for its consideration. If you would like, I can schedule this item for our next-regularly scheduled Ethics Commission, which is set for January 21st.

If you have any questions or wish to provide me with additional information, please contact me at your convenience.

Sincerely,

Robert Meyers