

INQ 00-19

Walker, Ardyth (COE)

From: Walker, Ardyth (COE)
Sent: Friday, October 13, 2000 7:16 AM
To: Gladstone, Wendy S. (WASD)
Subject: RE:

The Conflict of Interest and code of Ethics ordinance permits a department to solicit contributions to underwrite projects for the United Way. Section-11.1(e)(2)(e) permits employees to solicit gifts for use by the county in conducting official



warner1.ae.doc

business. Please find attached a recent opinion dealing with this issue.

-----Original Message-----

From: Gladstone, Wendy S. (WASD)
Sent: Thursday, October 12, 2000 5:26 AM
To: Walker, Ardyth (COE)
Cc: Mostkoff, Benjamin J. (WASD)
Subject:

Hi Ardyth,

Let me first apologize for bombarding you. Now that's out of the way, I'll begin. There are a handful of us here that have worked excruciatingly hard on this calendar project. The community will benefit, the department will benefit and Miami-Dade County will benefit from the sale of this calendar. It will be a big boost for morale (I wish you could see the photo's, they are unique and creative). Please contact me with your response. We are going to be out of the office after 12:00 noon, AFSCME President, Ralph Mendez's mother passed away and we are attending the funeral. I'll be available via cell phone (954) 632-2029 or call Trish at (305) 442-7884.

Wendy Gladstone
Power-Efficiency Program
(305) 529-2778

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO 00-111**

BACKGROUND: Marla Warner, United Way Coordinator for Miami-Dade County, is seeking a clarification of the Ethics Commission's prior opinion (98-12) regarding solicitation of gifts from vendors for use in the United Way campaign.

NARRATIVE: In 1998, the Aviation Department requested an opinion regarding the propriety of soliciting airline tickets and other items for use as prizes during the United Way campaign from airline vendors and business partners. The Commission found the practice violated Section 2-11.1 (e)(3) which prohibits employees from soliciting gifts because the items were received without consideration and did not fall under any of the exemptions from the definition of gifts enumerated in the ordinance.

Warner is seeking clarification of the Commission's policy on solicitation of prizes for use in the United Way campaign.

ARGUMENT: The Conflict of Interest and Code of Ethics ordinance permits county employees to solicit prizes for use in the United Way campaign. The prizes are not gifts as defined in the ordinance because they are exempt under 2-11.1(e)(2)(e). In 1999, Section 2-11.1(e) regarding gifts was amended with the addition of 2-11.1 (e)(2)(e) which added "Gifts solicited by county employees or departmental personnel on behalf of the county for use solely by the County in conducting its official business" to the items exempted from the definition of gifts. Therefore, county employees may solicit prizes for use in the United Way campaign.

CONCLUSION: The Conflict of Interest and Code of Ethics ordinance permits employees to solicit prizes for use in the United Way campaign.