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**STAFF GENERAL COUNSEL**

February 2, 1999

Joe Mora  
Acting Chief  
Animal Care and Control Division  
7401 N.W. 74<sup>th</sup> Street  
Miami, Florida 33166

**RE: REQUEST FOR ADVISORY OPINION 98-29**

Dear Mr. Mora:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 29, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion as to whether employees can solicit contributions to the Animal Trust Fund established by the County Commission.

In your letter and supporting documents, you advised the Commission that the Animal Trust Fund was established by the Miami-Dade County Commission in 1982 for charitable donations to the department. The money is devoted to the purpose of maintaining and advancing animal control. Brochures advertising the trust fund are displayed at department offices, special events, public libraries and Team Metro offices.

The Commission finds the department may display brochures but employees may not personally solicit contributions to the Animal Trust Fund. The solicitation of funds for the trust fund is prohibited by is

prohibited by Section 2-11.1(e)(3) of the Dade County Code. Section 2-11.1(e) of the Dade County Code governs gifts to the county. Section 2-11.1(e)(1) defines a gift as "the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise without adequate and lawful consideration." Contributions to the trust fund are gifts since they are received without lawful and adequate consideration and do not fall under any of the exceptions listed in Section 2-11.1(e)(2) of the Dade County Code. Accordingly, employees may not solicit contributions to the Animal Trust Fund.

Therefore, the Department may display brochures about the Animal Trust Fund but the Conflict of Interest and Code of Ethics ordinance prohibits employees from soliciting contributions to the Animal Trust Fund.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

**ROBERT MEYERS**  
Executive Director