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October 14, 1999

Bernardo Escobar
Office of Commissioner Souto
District Ten
Board of County Commissioners
111 N.W. First Street
Suite 320
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 99-39

Dear Mr. Escobar:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 13, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding possible conflicts of interests when county employees participate in fund-raising events for charitable organizations and raise money for political candidates.

In your memo, you advised the Commission that you regularly participate in the annual Walk for the Multiple Sclerosis Society as part of a team for Miami-Dade County. Your wife suffers from multiple sclerosis but you do not receive any benefit from the society as a result of your participation in the walk.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to participate in the Walk for the Multiple Sclerosis Society and other charitable events. Section 2-11.1(e)(3) prohibits employees from soliciting gifts for themselves but does not prohibit employees

from participating in charitable fund-raising drives including asking other employees to participate in activities such as the Walk for Multiple Sclerosis Society and asking other employees to act as sponsors for their service in these events. However, any employee who participates in such events is reminded to be aware of the prohibition contained in 2-11.1(g) against exploitation of official position.

As for campaign contributions, Section 2-11.1(e)(2)(a) specifically exempts campaign contributions authorized by state law from the definition of gifts. Therefore, employees may lawfully solicit campaign contributions as long as the solicitation is not done during working hours. Administrative Order 7-2 governs political activity by employees and it provides that employees may solicit funds from other employees for political purposes as long as it done in a non-coercive manner.

Please be advised that the Commission on Ethics advisory opinion is only applicable to the Miami-Dade County Conflict of Interest Ordinance and not the State of Florida Code of Ethics. Any questions regarding interpretation of the state Code of Ethics should be referred to the State of Florida Commission on Ethics.

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,



ROBERT MEYERS
Executive Director