



July 26, 2000

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Marla Warner
Office of Performance Management
175 N.W. First Avenue
29th Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 00-111

Dear Ms. Warner:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 2000 and rendered its opinion based on the facts stated in your letter.

You requested a clarification of a prior Commission opinion (98-12) which found that departments may not solicit prizes from vendors for use in the United Way campaign. At that time, the Commission found that 2-11.1 (e) (3) prohibited the solicitation because the items were gifts and did not fall under any of the exemptions listed in the ordinance.

The Commission found that 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.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", written over a horizontal line.

ROBERT MEYERS
Executive Director