

Sincerely Yours,

A handwritten signature in cursive script that reads "Robert Meyers". The signature is fluid and extends to the right with a long, sweeping tail.

ROBERT MEYERS
Executive Director

underwrite the event. The Department is proposing to solicit a wide range of contributors including past and current county vendors. Designated employees, including but not limited to senior level personnel, will participate in fundraising activities. Fundraising activities will include direct mail and phone solicitations. The fundraising activities will take place on county and personal time.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits the Transit Department to solicit contributions for Transit Appreciation Week. Section 2-11.1 (e) (2) (e) provides that "Gifts solicited by county employees or departmental personnel on behalf of the county for use solely by the County in conducting its official business" are exempted from the definition of gifts. Therefore, county employees and departmental personnel may solicit contributions for official county business.

Under the Commission's prior opinions, the department may solicit contributions for the proposed activities. However, although permitted by the ordinance, senior level officials including the department director, assistant directors and division directors should not participate in any direct fundraising activities. Moreover, department procurement officials may not participate in procurement activities.

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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.



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December 12, 2001

Danny Alvarez
Director
Miami-Dade Transit Department
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Suite 910
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION 01-139

Dear Mr. Alvarez:

The Commission on Ethics and Public Trust considered your request for opinion at their meeting on December 11, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding regarding solicitation of contributions for a series of events to commemorate Transit Appreciation Week.

In your letter, you advised the Commission that The Transit Department annually hosts an open house, employee banquet and bus and rail "rodeos" during Transit Appreciation Week. The commemoration is projected to cost around eighteen thousand dollars (\$18,000). The costs include cash prizes for winners of the rodeo competition and other expenses including t-shirts and hotel accommodations.

Traditionally, the Transit Department has paid for the event out of its budget, however due to the increasing cost of the event and the projected budget shortfall, the Department would like contributors to