



May 23, 2002

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Bobbie Phillips
Assistant Director for Administration
Miami-Dade Aviation Department
P.O. Box 592075
Miami, Florida 33159

RE: REQUEST FOR ADVISORY OPINION 02-42

Dear Ms. Phillips:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 22, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any limitations on your ability to solicit contributions for the Family Christian Association of America.

In your letter, you advised the Commission that you serve as a member of the Board of Directors of the Family Christian Association of America (FCAA). FCAA is a social service agency that provides services to children and families. As a board member, you are required to raise funds for the organization. In the past, you have solicited funds from county employees for the organization.

The Commission found the Conflict of Interest and Code of Ethics permits you to participate in fundraising for the FCAA. Section 2-11.1(e)(3) prohibits employees from soliciting gifts for themselves but does not prohibit them from participating in fundraising for charitable organization. Section 2-11.1(e)(3) provides that "a person described in subsection (b)(1) through (6)

shall neither solicit or demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in subsection (b)(1) through (b)(6) or for any person included in the terms defined in subsection (b)(1) through (b)(6) to accept or agree to accept from another person or entity any gift for or because of (a) an official public action taken or to be taken or which could be taken; b) a legal duty performed or to be performed or which could be performed; nor c) a legal duty violated or which could be violated by any person included in the term defined in (b)(1).

In the present case, the law permits you to conduct fund-raising activities and to solicit funds from county employees. However, in order to avoid any appearance of a conflict or violations of 2-11.1(g) (exploitation of official position), you should not use county resources including official letterhead or stationery, electronic mail or interoffice mail to solicit contributions. Finally, you should not solicit contributions from airport contractors or vendors or subordinates.

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) 350-0616.

Sincerely Yours,



ROBERT MEYERS

Executive Director