

Memo

**TO: Ann Lee
Acting Associate Aviation Director
Professional Compliance Division**

**FROM: Ardyth Walker
Staff General Counsel**

RE: RQO 02-46

DATE: April 9, 2002

You requested an advisory opinion regarding the application of the Gift Disclosure Section of the Conflict of Interest and Code of Ethics ordinance to certain factual situations. You also requested an opinion regarding the general guidelines for gift disclosure.

Section 2-11.1(e)(4) of the Code of Miami-Dade County governs gift disclosure by county officials and employees. Section 2-11.1(e)(4) provides that "any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any person or entity, having a value in excess of twenty-five dollars (\$25.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State."

Aviation Department employees should file State Form 9, Quarterly Gift Disclosure, with the Clerk of the Board of Commissioners on a quarterly basis. Any gift or series of gifts from a single individual of twenty-five dollars or more should be reported. Gift disclosures are not cumulative so a gift must only be reported during the quarter in which it is received.

As for the specific examples provided in your request, the rules above govern the conduct of the employee. For example, all county employees should report any gift received (including lunches, dinner functions, charity events etc.) where the value of the gift exceeds twenty-five dollars or the series of gifts from the individual or entity

exceeds twenty-five dollars in a particular quarter. The employee should report the gift whether or not the other person is reimbursed for that expense. Further, the entire value of the gift should be reported and the employee may estimate the value of a gift if the gift is given a specified value.

Finally, Section 2-11.1 (e)(2)(e) exempts gifts solicited by County employees or departmental personnel on behalf of the county in performance of their official duties for use solely by the County in conducting its official business. Therefore, employees may solicit donations and in-kind services from vendors for official county business if the Board of County Commissioners or the Department Director approves the program or function in advance of the solicitation.

If you have any further questions or I can provide any additional assistance, please let me know

Cc: Robert Meyers
Executive Director, Commission on Ethics and Public Trust