

April 19, 2002

Angela Gittens
Director
Miami-Dade Aviation Department
P.O. Box 592075
Miami, Florida 33159

RE: REQUEST FOR ADVISORY OPINION 02-50

Dear Ms. Gittens:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 17, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between serving as Aviation Department director and serving as a Division Chair for the 2002 United Way campaign.

In your letter, you advised the Commission that you have been recruited to serve as a Division Chair for the 2002 United Way campaign. As a Division Chair, your responsibilities will include recruiting senior executive level officers to serve as section and account chairs, soliciting gifts or donations from businesses and individuals, convening division meetings and participating in United Way meetings and events.

Specifically, you were inquiring regarding any limitations on your ability to solicit gifts and donations or recruit volunteers who do business with the airport or may do business with the airport.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve as a United Way Division Chair and solicit volunteers, gifts and donations from any individual or entity. However, to avoid any appearance of conflict problems, you should not solicit gifts or donations from airport vendors or contractors or those seeking to do business with the airport.

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.

Accordingly, you may serve as a United Way Division Director and solicit volunteers, gifts and other donations from businesses and individuals for the United Way campaign. However, because of your status as a department director and your responsibility in award and oversight of department contracts, you should not directly solicit gifts or other donations from airport contractors and vendors or those seeking to do business with the airport.

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