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STAFF GENERAL COUNSEL

November 16, 2005

Todd S. Roberts  
Jackson Health System  
Division of Managed Care  
1801 N.W. 9<sup>th</sup> Avenue  
Suite 100  
Miami, FL 33136

**RE: REQUEST FOR ADVISORY OPINION RQO 05-110**

Dear Mr. Roberts:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 15, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts created by attending a convention dinner sponsored by a Public Health Trust vendor.

In your request, you advised the Ethics Commission that you will be attending the fall conference of the Healthcare Users Group (HUG) on Managed Care Issues. The Public Health Trust is paying for your attendance at the conference. One of the featured events at the conference is a dinner for conference attendees. A PHT vendor is underwriting the dinner. The dinner is one of the events included with registration for the event.

The Ethics Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to attend the dinner sponsored by a PHT vendor. Section 2-11.1(w) prohibits county employees, including PHT employees,

from accepting any travel related expenses from a county contractor or vendor. Section 2-11.1(w) provides that "(n)o person included in subsections (b) (1) (Mayor and Commissioners), (b) (5) (departmental personnel) and (b) (6) shall accept, directly or indirectly, any travel related expenses including, but not limited to transportation, lodging, meals, registration fees and incidentals from any County contractor, vendor, service provider, bidder or proposer. The travel ordinance does not prohibit employees from attending events which are included in the registration fee even if a vendor provides financial assistance to the sponsoring organization.

Further, the dinner does not have to be reported as a gift from the vendor. Section 2-11.1(e) (4) requires employees to disclose any gift or series of gifts of more than one hundred dollars received from a single person or entity within a calendar quarter. A gift is defined as the transfer of anything of economic value whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form without adequate and lawful consideration. Food and beverages consumed in a single setting shall be considered a single gift and the value of the food or beverage provided at that sitting or meal shall be considered the value of the gift. Since the dinner is included in the registration fee, lawful and adequate consideration has been paid for the dinner. Therefore, the dinner is not a gift under the ordinance and does not have to be reported.

Accordingly, you may attend an event at a conference that is underwritten or sponsored by a county vendor, service provider, bidder or proposer as long as the event is included in the conference registration and the County or the employee has paid the travel and registration fees for the event.

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.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS  
Executive Director