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July 27, 2007

Carla Salazar
Aviation Department
P.O. Box 592075
Miami, Florida 33159

RE: REQUEST FOR ADVISORY OPINION RQO 07-28

Dear Ms. Salazar:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 27, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Aviation Department employees may accept down payment assistance for a condominium project.

In your letter, you advised the Commission that the Merco Group would like to offer Aviation Department employees down payment assistance on condos in their Monte Cristo Tower development. The program would provide Aviation Department employees with fifteen thousand dollars towards the down payment of a two-bedroom condominium purchased on or before November 30, 2007.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits Aviation employees to participate in the promotion and receive the down payment assistance as long as the employees report the down payment assistance as a gift.

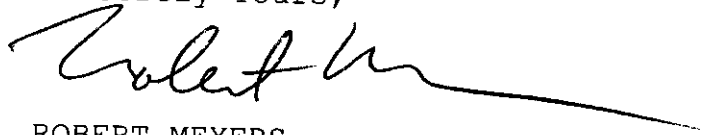
The down payment assistance is a gift as defined in the code because it has economic value and is received without consideration. However, pursuant to 2-11.1 (e) (3), employees are only prohibited from accepting gifts if the gifts are in exchange for a specific official act or performance of a legal duty. Therefore, Aviation employees may accept the down payment assistance offered by the Merco Group.

Finally, pursuant to 2-11.1(e) (4), the employees are required to report any gift or series of gifts received from any person or entity that exceeds one hundred dollars in a single quarter. Accordingly, the Aviation Department employees must report the down payment assistance as a gift on their quarterly gift form.

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