

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, November 06, 2018 3:26 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** 18-242; Ralph Ventura, Chief of Staff on behalf of Orlando Lopez, Mayor, Sweetwater (Travel/ Gifts, Sections 2-11.1(w) and (e))  
**Attachments:** INQ Ventura.docx

INQ 18-242 Ventura

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**From:** Perez, Martha D. (COE)  
**Sent:** Tuesday, November 06, 2018 3:10 PM  
**To:** rventura@cityofsweetwater.fl.gov  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Ralph Ventura, Chief of Staff on behalf of Orlando Lopez, Mayor, Sweetwater, Travel/ Gifts, Sections 2-11.1(w) and (e); INQ 18-24

Dear Mr. Ventura,

Attached please find our response to your inquiry. Any questions, please contact us.

Sincerely,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

[PEREZMD@miamidade.gov](mailto:PEREZMD@miamidade.gov)

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## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Ralph Ventura  
Chief of Staff, on behalf of  
Mayor Orlando Lopez, Sweetwater

**FROM:** Martha D. Perez  
Staff Attorney

**SUBJECT:** INQ 18-242 (§2-11.1(e), Gifts)

**DATE:** November 6, 2018

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and requesting our guidance regarding the Mayor's acceptance of paid travel and travel-related expenses to visit an educational institution in Perú.

Facts: You advise that San Ignacio de Loyola University in Lima, Perú (University), is considering the possibility of setting up a "satellite" campus in the City of Sweetwater. In its endeavor, it has extended an invitation to the Mayor, his wife and stepdaughter to visit the University in Lima. Travel, hotel and incidental meals for all three invitees will be borne by the University. The Mayor and his family will be doing some personal sightseeing on their own. The trip will last five days (two days are travel days). You ask on behalf of the Mayor whether there are any ethical implications regarding this trip.

I have requested that you provide me with documentation or correspondence in support of the mission or purpose of this trip. I have not received any to date.

Discussion: Your inquiry addresses two provisions of the County Ethics Code; Section 2-11.1(w) (*Prohibition on acceptance of travel expenses*) and Section 2-11.1(e) (*Gifts*).

Section 2-11.1(w) prohibits the acceptance of any travel expenses, including but not limited to, transportation, lodging, meals and incidentals from any city contractor, vendor, service

provider, bidder or proposer, unless a waiver is obtained by a majority vote of the [city] commission. The University is not a city vendor, lobbyist, contractor or service provider.

Therefore, assuming there is no *quid pro quo* involved and that the complimentary travel and travel-related expenses are not connected to any decision being made by the city affecting the private interest of the University, the acceptance of paid travel and travel-related expenses is not prohibited and is considered a gift to the government official. Section 2-11.1(e)(4) of the County Ethics Code requires government officials to disclose any gift of more than \$100 received within a calendar quarter by completing State Form 9. (INQ 14-115; INQ 16-102; INQ 18-76)

Additionally, the travel and travel-related expenses of the Mayor's spouse and step-daughter, (who have been personally invited on this trip because of their relationship to the city official) are considered gifts to the Mayor and are also subject to the gift limitation and reporting requirements mentioned herein. (INQ 14-265)

Opinion: Consequently, the Mayor and his family may accept the all-expense paid trip to Lima, Perú to visit the University, provided he complies with the gift disclosure requirements under County ordinance and State law.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.<sup>1</sup>

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

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<sup>1</sup> Your inquiry is limited to the Mayor's acceptance of travel related expenses from a non-city vendor/lobbyist. Your inquiry does not address the city's up-front payment or reimbursement for travel-related expenses incurred by a city official in the performance of official city business.

