

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 08, 2018 11:50 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-243 Kelly Lau, Senior Human Resources Manager, Miami-Dade Public Library System (Gifts)
Attachments: INQ Lau (Pina).pdf

INQ 18-243 Lau

From: Turay, Radia (COE)
Sent: Wednesday, November 07, 2018 4:58 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>
Subject: FW: Kelly Lau, Senior Human Resources Manager, Miami-Dade Public Library System (Gifts)

From: Turay, Radia (COE)
Sent: Wednesday, November 07, 2018 4:57 PM
To: 'Jennifer Pina' <pinaj@mdpls.org>; Lau, Kelly (LIB) <Kelly.Lau@miamidade.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Subject: Kelly Lau, Senior Human Resources Manager, Miami-Dade Public Library System (Gifts)

Dear Ms. Lau,

Attached, please find our response to your inquiry. Should you have any questions, please do not hesitate to contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Jennifer Pina [<mailto:pinaj@mdpls.org>]
Sent: Thursday, November 01, 2018 5:35 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Request for an Opinion

What is your position at the County?

Librarian 1

- 2) What was the survey that you filled out?
SELFIN CE Annual Survey
- 3) Who were the possible participants of the survey?
Anyone who participates in SELFIN Trainings
- 4) How was the winner selected?
Randomly selected e-mail
- 5) What was the total value of the gift card?
\$50 Amazon Gift Card
- 6) Please provide a good telephone number at which we can reach you.
(305) 385-7135

Jennifer Piña, Librarian 1
Miami-Dade Public Library System
West Kendall Regional Library
Miami-Dade Public Library System
10201 Hammocks Blvd.
Miami, Florida 33196
(305) 385-7135
(305) 385-5285
www.mdpls.org

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From: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Sent: Wednesday, October 31, 2018 5:27:30 PM

To: Jennifer Pina
Subject: FW: Request for an Opinion

Hello Ms. Pina,

My name is Radia Turay. I am a staff attorney at the Miami-Dade Commission on Ethics and Public Trust. I was assigned to assist Ms. Lau with the below request. I spoke to Ms. Lau and she indicated that I could get the circumstances surrounding the question directly from you. Please answer the brief questions below so I can further assist you:

- 1) What is your position at the County?
- 2) What was the survey that you filled out?
- 3) Who were the possible participants of the survey?
- 4) How was the winner selected?
- 5) What was the total value of the gift card?
- 6) Please provide a good telephone number at which we can reach you.

Thanks,
Radia.

From: Lau, Kelly (LIB)
Sent: Friday, October 26, 2018 1:30 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Request for an Opinion

Good Afternoon,

A Miami-Dade Public Library employee completed a survey with the Southeast Florida Library Information Network (SEFLIN) who is a registered vendor with Miami-Dade County. As a result of her completing the survey, her name was entered into a drawing and was randomly selected from a total of 388 names. The prize is a gift card.

Can the employee accept the gift card?

Thank you,

Kelly Lau, Senior Human Resources Manager
Miami-Dade Public Library System
101 W Flagler Street, 2nd Floor
Miami, Florida 33130
305-375-5010



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MEMORANDUM

TO: Kelly Lau, Senior Human Resources Manager
Miami-Dade Public Library System

Jennifer Pina, Librarian 1
Miami-Dade Public Library System

FROM: Radia Turay, Staff Attorney
COE

SUBJECT: INQ 18-243 (§2-11.1(e), Gifts)

DATE: November 7, 2018

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding whether Jennifer Pina, a Librarian 1 with the County's Public Library System, may accept a \$50 gift certificate that she won in a drawing.

Facts: Ms. Pina participated in a survey with the Southeast Florida Library Information Network (SEFLIN). SEFLIN is a non-profit membership organization of Southeast Florida libraries dedicated to supporting cooperation between all library types in the South Florida. It is a registered vendor with Miami-Dade County and provides trainings to library staff.

SEFLIN has an annual survey that they send to all individuals that have previously attended their trainings. Ms. Pina, along with 388 other library personnel all over Southeast Florida, completed the survey. As a result of her completing the survey, Ms. Pina's name was entered into a drawing and was randomly selected from the total of 388 names, as the winner of a \$50 gift certificate.

Discussion: It is permissible for a County employee to participate in a survey where the County employee's name was entered in a drawing for a \$50 gift certificate, provided the drawing was open to all customers, not just County employees. *See* INQ 11-04; and INQ 16-173. It appears that the drawing in this case was open to all individuals that completed SEFLIN's Annual Survey, not just County employees, hence, Ms. Pina was permitted to participate.

Section 2-11.1(e) of the County Ethics code prohibits the acceptance of gifts in consideration of some official action by a public servant. A gift won by chance and not obtained through the performance of an official duty does not present a conflict of interest. *See* INQ 12-162; and INQ16-173. (State law at Section 112.3148, prohibits public servants who are "reporting individuals" or "procurement employees" from accepting gifts from vendors or lobbyists in excess of \$100.00. Ms. Pina's position does not fall within this provision.)

Opinion: Consequently, the prize won in the drawing conducted by SEFLIN is considered a gift which may be accepted by Ms. Pina because it was won by chance and not awarded in exchange for any duty or act she might be involved with in her County position. *See* INQ 16-173; 15-151; INQ 12-162; and INQ 11-04. Further, given that the value of the gift card is \$50, it under the \$100.00 reportable threshold requirement.

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.

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.