



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Rosario Fiallos
Enterprise Analytics
Middleware Senior Administrator
MDC Information Technology Department (ITD)

FROM: Martha D. Perez,
Staff Attorney

SUBJECT: INQ 19- 89, Prohibited Travel Expenses (Section 2-11.1(w), County Ethics Code; IBM Conference

DATE: October 1, 2019

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the waiver of registration to a conference offered by IBM, a County vendor.

You have indicated that IBM, a County vendor, has requested your attendance at the Data and AI Forum 2019 local conference being held at the InterContinental Miami Hotel on October 21st through the 24th. You will be attending as a speaker on County work accomplished at the Corrections Department using IBM tools, and a panelist to discuss the County's experience using IBM tools. IBM is offering a waiver of its registration fee (Conference Pass) to *all* attendees who will be speaking or serving as panelists in the conference. The Conference Pass also covers breakfast, lunch and coffee breaks.

Pursuant to our brief phone conversation, I will address your question as it applies to local and future non-local events held by County vendors.

Local Events

The County Ethics Code does not prohibit a County employee from participating in a local event ¹ sponsored by a County vendor and accepting complimentary registration as long as no quid pro quo arrangement has been made or anticipated. If the value of the registration

¹ Miami-Dade County or adjacent County per INQ 16-200

and/or meals exceeds \$100, it is a reportable gift under Section 2-11.1(e)(4) of the County Ethics Code. ² See INQs 12-40, 12-157 and 13-299

In this particular instance, the Conference Pass is not unique to County employees but rather, is provided to *all* speakers and panelists as it is customary for IBM to waive registration, including meals, to all attendees who present at its conferences.

Based on the facts you describe, it appears that your presentation and panel participation in this Conference is undertaken in your official capacity on behalf of the County and in furtherance of official County business, hence, you will be providing adequate consideration for admittance to the Conference, consistent with IBM policy of not charging presenters and panelists with a registration fee. In this case, the Conference Pass would not be considered a gift requiring disclosure. See Section 2-11.1(e)(2)(e) and (e)(4); INQs 13-278 and 17-229. Under other conditions, the cost of the registration and/or complimentary meals exceeding \$100 must be reported on the County's gift form.

Be aware that, divulging confidential information obtained through one's County employment is prohibited under Section 2-11.1(h) of the County Ethics Code.

Non-Local Events

A County employee cannot accept complimentary registration to a non-local event, requiring travel, and sponsored by a County vendor. Section 2-11.1(w) of the County Ethics Code entitled, "Prohibition on acceptance of travel expenses from County vendors," prohibits County employees from accepting, directly or indirectly, any travel expenses, including but not limited to, transportation, lodging, *meals*, *registration fees* and incidentals, from any County vendor. See INQs 08-05, 10-153, 12-79, 12-121, 13-26, 13-160, 15-94, 16-200, 17-184, 18-184

A waiver of the prohibition under Section 2-11.1(w) may be granted by the Board of County Commissioners with a majority vote in public session. Alternatively, the employee's County department may cover the expenses associated with his or her travel to future events. See INQ 09-30.³

² The ordinance provides that all County employees must disclose any gift in excess of \$100.00, on a MDC Gift Disclosure Form and file it with the Clerk of the Board. See Section 2-11.1(e)(4); INQ 12-157

³ Notwithstanding any agreement between the County and IBM which includes a provision for travel expenses. See INQ 13-278

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.