



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Syed Abbas
Enterprise Analytics
Senior Systems Analyst/Programmer
MDC Information Technology Department (ITD)

FROM: Martha D. Perez,
Staff Attorney

SUBJECT: INQ 19- 93, Prohibited Travel Expenses (Section 2-11.1(w), County Ethics Code; IBM Conference

DATE: October 2, 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, is sponsoring 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 panelist on a technical panel. 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 meals.

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 the complimentary registration is not given with the expectation that a special benefit to IBM will be given by the County (or, provided, quid pro quo arrangement has not been made or anticipated). If the value of the registration 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

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

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

Notably, 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.

If you attend this Conference as an invited speaker or panelist and your participation is undertaken in the performance of your official County duties and in furtherance of official County business, 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 17-229.³

Your participation at the conference, in your official capacity as a County employee, to discuss County business as a panelist or presenter must be sanctioned by the County. In other words, IBM's personal invitation to you as a County employee to be part of a panel, without any authorization by your department to speak on behalf of the County, will not qualify as an exception to the gift disclosure requirements.

However, if you are an attendee at the Conference, the cost of the registration and/or complimentary meals exceeding \$100 must be reported on the County's gift form.

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.

³ Please 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.