



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

---

---

### MEMORANDUM

---

---

**TO:** Sara Del Calvo  
Chief, Professional Compliance  
Miami-Dade Aviation Department

**FROM:** Radia Turay, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-96 [Gifts § 2-11.1(e); Prohibition on accepting travel expenses  
from County vendors § 2-11.1(w)]

**DATE:** October 1<sup>st</sup>, 2019

**CC:** All COE Legal Staff

---

Thank-you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: The Miami-Dade Aviation Department has requested that the COE provide guidance to Aviation employees who manage fundraising activities for the Making Strides Against Breast Cancer (MSABC) campaign on behalf of the Aviation Department.

It is our understanding that MDAD is considering possibly soliciting donations of airline tickets, TV's, gift cards, or food items, to benefit the County's fundraising activities in support of MSABC. The solicited items would be utilized as prizes in a raffle administered by MDAD. County employees will be allowed to purchase tickets for the raffle and could potentially be the winners of these items through the raffle. Proceeds from the sale of the raffle tickets would then be given to MSABC.

Issue:

Specifically, you presented two questions:

- 1) May MDAD ask airlines for airline ticket donations to be used in a raffle?
- 2) May MDAD receive the following type of donations TV's, gift cards, or food?

Discussion:

- 1) May MDAD ask airlines for airline ticket donations to be used in a raffle?

In general, under the County Ethics Code, only County Commissioners and their staff members are allowed to solicit gifts on behalf of nonprofit organizations. See Ethics Code at Sec. 2-11.1(e)(2)(g) and INQ 13-291.

However, the Ethics Commission has previously opined that when activities to support a particular nonprofit are explicitly sanctioned by the Mayor or Board of County Commissioners, County employees may solicit gifts for the nonprofit, but they can never *target* County vendors or County contractors. See RQO 06-05, INQ 17-196, INQ 13-279, and INQ 13-291. The opinions state that while it is permissible for County contractors, vendors, service providers or lobbyists to contribute to County causes, the direct solicitation of such entities and individuals by those to whom they are accountable in the services provided to the County, can easily lead to an impression of an inappropriate solicitation. See RQO 06-05, INQ 17-196, INQ 13-279, and INQ 13-291.

Consequently, you are advised, consistent with prior opinions we have provided, to avoid a direct, targeted phone call or other direct solicitation of a County contractor, vendor, service provider or lobbyist regarding the Aviation department's fundraising activities for MSABC. The Ethics Commission has previously suggested that in order to avoid the appearance of a *quid pro quo* arrangement, a preferred way to handle solicitations would be to have the nonprofit staff contact potential contributors. INQ 17-196, INQ 13-110, INQ 13-279, and INQ 13-291.

Further, Sec. 2-11.1(w) of the Ethics Code, prohibits the acceptance of any travel expenses from a County contractor, vendor or service provider, bidder or proposer, absent a waiver by majority vote of the County Commission.

In INQ 14-264 the Ethics Commission indicated that Sec. 2-11.1(w) of the Ethics Code, would prohibit the solicitation of a donation of a cruise (or any other travel related expense) from one of the cruise lines (County contractors or vendors) at the Port (or in this case the Airport), to be given away to a County employee as part of a raffle to benefit a nonprofit because this section prohibits acceptance of any travel expenses from a country contractor, vendor, or service provider, bidder or proposer, absent a waiver by majority vote of the County Commission. See also INQ 17-16 and INQ 12-229.

Specifically, in INQ 14-264 the County Port Director, inquired whether it would be appropriate to solicit the donation of a cruise from one of the cruise lines at the Port, to be given away as part of a raffle to benefit the United Way at an upcoming Port employee holiday party. The Ethics Commission stated in that instance that, while it recognized the intent of the raffle is of a charitable nature, inasmuch as it would raise funds for the United Way, the blanket prohibition in Section (w) of the Ethics Code, would prohibit the acceptance of any travel related expenses from a County Contractor, absent a waiver by the County Commission.

In this instance, Section 2-11.1(w) of the Ethics Code, would therefore, prohibit the solicitation of a donation of an airline ticket (or any other travel-related expense) from a County contractor, vendor, service provider, bidder or proposer, at the airport, if the airline ticket is to be given to a County employee through a raffle, absent a waiver by the County Commission. *See* INQ 12-229, INQ 13-287, INQ 14-264, and INQ 17-16.

2) May MDAD receive the following type of donations TV's, gift cards, food, etc?

The Ethics Commission in its opinions regarding these types of solicitations on behalf of nonprofit organizations, has generally stated that the donations collected should be utilized solely by the nonprofit; and County Commissioners nor their staff or other County employees should receive any benefit as a result of the solicitation. *See* RQO 06-05; INQ 15-03, INQ 15-70, INQ 15-275, and INQ 17-34.

Additionally, in INQ 11-163, the Ethics Commission stated that County employees may participate in raffles and accept prizes provided by a County vendor, as long as the gifts were not solicited by the County and the raffle was also open to the public.

Based on the information you have provided, it would not be permissible for MDAD employees to win the donated items in a raffle, as any items collected as part of MDAD's solicitation for MSABC should be utilized solely by the nonprofit.

Conclusion:

County employees may solicit contributions on behalf of a non-profit organization, provided that the County's governing body explicitly endorses the solicitation, as well as authorizes its officials and employees to participate in fundraising activities for the non-profit organization. However, direct solicitation or targeting of donors who are currently County contractors or vendors or potential County vendors seeking to do business with the County should be avoided so as to prevent any perception that a requested donation could affect a decision by the County to contract with the vendor.

Additionally, Section 2-11.1(w) of the Ethics Code, would prohibit the solicitation of a donation of an airline ticket (or any other travel-related expense) from a County contractor, vendor, service provider, bidder or proposer, at the airport, if the airline ticket is to be given to a County employee through a raffle, absent a waiver by the County Commission.

Further, it would not be permissible for MDAD employees to win any of the other MDAD solicited items in a raffle, as any items collected as part of MDAD's solicitation for MSABC should be utilized solely by the nonprofit.

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.