

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, April 19, 2019 4:11 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 19-47, Gifts, Sec. 2-11.1(e), eMergeAmericatickets

INQ 19-47 Galvez

From: Arrojo, Jose (COE)
Sent: Friday, April 19, 2019 3:48 PM
To: Galvez, Barbara (OMB) <Barbara.Galvez@miamidade.gov>; Sarduy, John (OMB) <John.Sarduy@miamidade.gov>
Cc: Anderson, Machell (COE) <Machell.Anderson@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 19-47, Gifts, Sec. 2-11.1(e), eMergeAmericatickets

Dear Ms. Galvez and Mr. Sarduy:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding an event tickets gift matter.

Attached is INQ 19-47, that addresses the provision of event tickets to officials and staff for the eMerge Americas conference on April 29 and April 30, 2019.

Best regards,



Jose J. Arrojo

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Miami-Dade Commission on Ethics and Public Trust
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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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Website: ethics.miamidade.gov

MEMORANDUM

TO: Barbara Galvez, Deputy Budget Director
Office of Management & Budget

John Sarduy, Budget Manager
Office of Management & Budget

FROM: Jose Arrojo, Executive Director
Commission on Ethics

SUBJECT: INQ 19-47, Gifts, 2-11.1(e); County Officials and Employees attendance at eMerge Americas Conference

DATE: April 19, 2019

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding an event tickets gift matter.

Facts:

Public records reveal that eMerge Americas, LLC is a Delaware limited liability company that is authorized to do business in Florida. Its manager is Emerge Manager Inc., a Florida profit corporation whose Director is Manuel “Manny” Medina. eMerge Americas’ leadership team is comprised of Manny Medina as founder and chairman, Felice Gorordo as CEO, Diane Vidoni as COO, and Melissa Medina as President.

eMerge Americas self-describes as an initiative and conference that attempts to bring together educational institutions, local government, private sector companies, media, investors and entrepreneurs/start-ups with the goal of “transform[ing] Miami into the tech hub of the Americas.”

Its annual conference is taking place in Miami-Dade County on April 29, 2019 and April 30, 2019. eMerge Americas literature describes the conference as a “unique convening of global enterprises, leading startups, and government leaders focused on innovative digital solutions and transforming industries.” The literature describes an event of significant magnitude with an

exposition floor for sponsors and exhibitors, stages for lectures and panel discussions, and different tracts focused on government, startups, technology and entrepreneurship.

Pursuant to written agreement, Miami-Dade County has donated approximately \$250,000 to the conference. It is believed that other local governments may have likewise made donations in support of the conference. Certainly, in past Ethics Commissions opinions it was reported that the City of Miami has made money donations to previous eMerge conferences.

Access to the conference requires event tickets and there is a face value cost to the tickets of more than \$100. eMerge has provided event tickets to Miami-Dade County. The tickets will be distributed to the three classes of officials and employees described below.

The three categories of County officials and employees that will be attending the conference are: 1) employees that will staff the Miami-Dade exhibitor/sponsor kiosk on the exposition floor; 2) employees that will be engaged in providing technical services and support for the event; and 3) elected officials that will be there as attendees or speakers to interact with participants and promote Miami-Dade County's policy goal of establishing the County as a technology hub for the Americas.

Issues:

May officials and employees accept event tickets and if so are they reportable gifts?

Discussion:

Section 2-11.1(e) (3) of the County Ethics Code, *Gifts*, prohibits County officials or employees from soliciting or accepting a gift, defined as anything of economic value, as consideration for any public action or duty taken/performed, to be taken/performed, or that could be taken/performed.

Additionally, Section 2-11.1(e) (4), *Disclosure*, provides that gifts not solicited or received as part of a prohibited quid pro quo transaction must nonetheless be disclosed if the gift has a value in excess of \$100.

However, Sections 2-11.1(e) (2) e. and f., *Exceptions*, provide that gifts solicited by officials or employees on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business are both appropriate and do not need to be disclosed as gifts.

In a prior opinion solicited by the City Attorney for the City of Miami, the Ethics Commission considered tickets gifted to city officials for an eMerge Americas event. In that matter, the City of Miami provided \$55,000 in municipal funds to support eMerge Americas and greater "tech week" events geared toward establishing Miami as tech hub and generating IT businesses.

The Ethics Commission opined that because the City of Miami solicited, supported and encouraged the conference and events, and provided official support, including funding for the events, and the municipal officials attended the events in connection with their duties, for a demonstrable public benefit, then the event tickets qualified for the exceptions contained in Section 2-11.1(e)(2). Thus, the officials' attendance at the event would not be considered a gift under Section 2-11.1(e) of the Code and need not be disclosed pursuant to Section 2-11.1(e)(4). (*See* INQ 14-155)

The same reasoning applies here. County officials and employees have solicited and received event tickets to the eMerge Americas event on behalf of the County, in support of a demonstrable public benefit and will be attending in their official capacities and in connection with their public duties.

Conclusion:

The gift acceptance and disclosure exceptions contained in Sections 2-11.1 (e) (2) e. and f. of the Ethics Code allow County officials and employees to accept event tickets to the eMerge Americas conference and they do not need to be reported as gifts.

This opinion is limited to the facts as you and County staff 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.