



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North  
701 Northwest 1<sup>st</sup> Court · 8<sup>th</sup> Floor · Miami, Florida 33136  
Phone: (305) 579-2594 · Facsimile: (305) 579-0273  
Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

---

---

### MEMORANDUM

---

---

**TO:** Humberto J. Quintela  
Chief of Safety  
Miami-Dade Fire Rescue Department

**FROM:** Loressa Felix, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2020-113, Gifts (e)

**DATE:** October 22, 2020

**CC:** All COE Legal Staff

---

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding a contest award you won from MSA.

Facts:

You are employed as a Training Division Safety Chief for the Miami-Dade County Fire Rescue Department (MDFR). As the Training Division Safety Chief, you are responsible for the overall supervision of safety and health within MDFR. You must ensure that the department emergency and non-emergency activities are conducted in the safest manner possible adhering to all applicable rules, regulations, and standards.

You entered the O2X Eat Sweat Thrive Workshop contest sponsored by MSA on behalf of the department by completing an application and essay detailing how MDFR could benefit from the workshop and has invested in safety. The contest was open to all departments and the winning department was selected by a panel of judges. The panel included: Dabney Hudson (Washington D.C. Fire & EMS), Fidel Akemon (Cincinnati Fire Department), and Cooper Berry (Missoula Fire Department).

MSA (contest sponsor) develops, manufactures, and supplies safety products that protect users against hazardous or life-threatening situations. MSA's core products include self-contained breathing apparatus, fixed gas and flame detection systems, portable gas detection instruments, industrial head protection products, fire and rescue helmets, and fall protection devices. MSA is a registered County vendor but has no existing MDFR contract at this time.

O2X (award provider) is an organization that provides physical and mental training maximizing human performance for tactical athletes. O2X works with first responder communities, the military, and federal agencies to optimize performance. O2X is not a County vendor.

The O2X Human Performance Eat Sweat Thrive program is a single-day workshop that will identify small, incremental changes firefighters can make to develop sustainable habits and long-term improvements in performance. The comprehensive curriculum trains participants in physical and mental topics that will decrease injuries, enhance readiness, and optimize performance so they can finish their careers as strong as they started. This single day O2X Eat Sweat Thrive curriculum will be delivered by the nation's leading experts in conditioning, nutrition, sleep science, mental performance, and resilience. The program will leave participants with sustainable ways to improve the way they perform on and off the job. One-day workshop includes live workouts and seminars on nutrition and sleep.

You advised that the value of the O2X Human Performance Eat Sweat Thrive program is \$15,000 and the workshop would be provided to approximately 50 MDRFR personnel. As part of the award, O2X will travel to the department to conduct the workshop.

Issue: Whether Section 2-11.1(e) of the Miami-Dade County Ethics Code (Gifts) permits Chief Quintela to accept an award of the O2X Eat Sweat Thrive Workshop on behalf of the MDRFR Department.

Analysis:

Section 2-11.1(e) of the Miami-Dade County Ethics Code generally prohibits the acceptance or solicitation of gifts given or received in exchange for official actions of County employees or officials (*quid pro quo* actions). Further, no County employee shall derive any financial benefit from the gift/donation. *See* INQ 15-195, INQ 17-203, and INQ 20-20.

The Ethics Commission has explained in previous opinions that the Ethics Code does not prohibit the County from accepting donations for a specific County project or activity as long as no *quid pro quo* exists as a condition of the donation, and the donation is used for an official purpose and not for the personal gain of County employees. *See* RQO 02-70, INQ 07-69, INQ 15-25, and INQ 20-36.

Specifically, the Ethics Commission in RQO 05-119 opined that gifts/donations to a local governmental entity for a public purpose are not prohibited by the Ethics Code, as long as no *quid pro quo* activity takes place or is anticipated in the transaction. *See also* INQ 18-31 (Gifts provided for the sole use and benefit of the County are generally exempt from the County gift ordinance in Section 2-11.1(e)(2)(e) of the Code).

County employees may accept free training to assist in the performance of their official duties for use solely by the County in conducting its official business. *See* Fla. Stat. 112.3148 (2)(f)(4) (2013) and Sec. 2-11.1 (e)(2)(e), of the Miami-Dade County Ethics Code.

For example, the Ethics Commission has previously held that the County IT Department could accept free technical training and support from Microsoft, a County vendor, as the services/trainings offered were not gifts per Section 2-11.1 (e)(2)(e) of the Miami-Dade County Ethics Code. *See* INQ 13-39, INQ 13-139 and INQ 13-278. The Ethics Commission also held that the educational outreach tour of the Everglades provided to the County by Baptist Hospital was provided for educational purposes consistent with the County's environmental goals, and would provide important educational information to the County's Department of Regulatory and Economic Resources. *See* INQ 17-275.

Therefore, county employees who accept training/education to assist in the performance of their official duties have not received a "gift" as defined under the County Ethics Code and, consequently, the training need not be disclosed on a County gift disclosure form. *See* Miami-Dade County Ethics Code at Secs. 2-11.1 (e)(2)(e) and (e)(4).

#### Conclusion:

Consequently, MSA's award of the O2X Human Performance Eat Sweat Thrive program to select MDFR personnel, does not violate the County Ethics Code provided that no *quid pro quo* activity takes place or is anticipated in the transaction, and the award/workshop will be used by the MDFR in the performance of its official business and not for the private gain or financial benefit of any MDFR employee. Further, no disclosure of the award/workshop is required under the County Ethics Code.

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.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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.