

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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**MEMORANDUM**

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**TO:** Alex Muñoz, Department Director  
Ariel Artime, Police Division Chief

**FROM:** José Arrojo, Executive Director  
Commission on Ethics 

**SUBJECT:** INQ 20-24, Sponsored Travel Costs – National Championship Game  
Sections 2-11.1 (w), County Ethics Code

**DATE:** March 12, 2020

**CC:** All COE Legal Staff

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

Facts: The Orange Bowl Committee, Inc. (“OBC”) is a Florida not-for-profit corporation. The OBC self describes as an organization that promotes championship sporting events, premier entertainment, and other year-round activities in South Florida.

OBC has been a County grant recipient since FY 2014. Since 2014, OBC has received over 2.7 million dollars in County funds as a result of Board of County Commission Resolutions (R-1131-14 and R-1079-19). There is an accompanying contract that details the specifics of the grant agreement between the County and OBC.

The College Football Playoff (CFP) determines the national champion of the top division of college football. A selection committee ranks teams based on performance and other factors to determine semi-finalists. The two semi-finalist teams play against each other in the Cotton Bowl, Fiesta Bowl, Orange Bowl, Peach Bowl, Rose Bowl and Sugar Bowl, on a rotating basis. The two finalists play in the CFP National Championship game.

The Orange Bowl will host one of the semi-final CFP games on January 2, 2021 at Hard Rock Stadium, located in the northern part of Miami-Dade County. The following week, on January 11, 2021, the CFP National Championship game will also be played at Hard Rock Stadium.

The Orange Bowl and College National Championship games are known to attract tens of thousands of fans for the games and pre-game events. Attendees, media and other persons

participating in the events will create significant crowd control, traffic, and security issues for local police and county officials. Additionally, the participating teams, college officials and dignitaries that will be in attendance will also require a myriad of county services.

The CFP National Championship game was played at Mercedes-Benz Superdome in New Orleans, Louisiana, on January 13, 2020.

In preparation for the two games that will be played in Miami-Dade County in January 2021, Alex Muñoz, a County Department Director with public events experience, and Ariel Artime, a County Division Police Chief with responsibility for north County operations where the games will be played, were tasked with traveling to New Orleans to attend this year's CFP National Championship game.

The stated public purpose of their travel was to observe and interact with officials at all levels, including law enforcement, involved in the CFP National Championship game in New Orleans. This observation and interaction will serve as a preparation primer for the Orange Bowl and National Championship games that will take place in Miami-Dade County in January 2021.

The OBC, which had officials traveling to New Orleans for the same preparatory reasons, offered and provided air and ground transportation, meals, room and board, and event entry tickets to Messrs. Muñoz and Artime.

Issue: The question presented is whether Mr. Muñoz and Chief Artime may accept funds from the OBC to cover travel, attendance, room and board expenses related to attendance at the National Championship game in New Orleans on January 13, 2020, as preparation primer for the Orange Bowl and National Championship games that will take place in Miami-Dade County on January 2 and 11, 2021 or must costs paid by OBC be reimbursed by the County.

Discussion: Section 2-11.1(w) of the Miami-Dade Conflict of Interest and Code of Ethics (Ethics Code) prohibits county officials or employees from accepting, directly or indirectly, any travel expenses, including, but not limited to transportation, lodging, meals, registrations fees and incidentals from any County contractor, vendor, service provider, bidder or proposer. This restriction may be waived by a majority vote of the County Commission.

The Ethics Commission has previously considered, a not entirely dissimilar issue, relating to sea travel for County officials sponsored by various cruise lines operating out of Port Miami. In those cases, the proposed travel funding entities were cruise lines operating out of Port Miami. Because the cruise lines are Port clients or vendors; we have opined that they may not fund travel for County officials. (*See generally* INQ 12-229, INQ 13-101, INQ 15-182, INQ 18-237)

While OBC is not a vendor, bidder or proposer in a traditional procurement transaction involving the County, it is nevertheless an entity that has received significant County funds as a grant recipient, and it is obligated by a written agreement to perform in a certain manner. As such, it is a "contractor" bound to the County as consideration for the receipt of County funds.

Thus, because the funding entity for the proposed travel to New Orleans, OBC, is a County contractor, vendor, service provider, bidder or proposer, then Section 2-11.1(w) would prohibit OBC travel funding.

Opinion: The expressed purpose for Messrs. Muñoz's and Artime's travel to New Orleans, Louisiana, is to observe and interact with officials at all levels, including law enforcement, involved in the CFP National Championship game in New Orleans. This observation and interaction would serve as a preparation primer for the Orange Bowl and National Championship games that will take place in Miami-Dade County on January 2 and 11, 2021.

Because OBC is a County contractor, vendor, service provider, bidder or proposer, it may not fund travel expenses for the two County employees. The County must either pay for the travel from public funds or it may reimburse OBC if it originally funded the travel.

Accordingly, Messrs. Muñoz and Artime may accept the invitation to travel but not allow OBC to assume the costs associated with the travel to New Orleans, Louisiana to attend the event as described above. Any costs that may have been paid for by OBC must be reimbursed.

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.

