



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Gregory Logue, Chief, Miami-Dade Fire Rescue

FROM: Gilma Diaz-Greco, Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 20-32

DATE: 3-26-20

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (County Ethics Code).

Facts:

You are an employee of the Miami-Dade County Fire Rescue Department (MDFR) working as a Fire Chief. You are also engaged in approved Outside Employment as an author of a copyrighted hazardous materials training textbook. You would like to sell at cost or donate this textbook to the County for use by MDFR for internal training, which is an integral part of the department's public function. The PDF document would include language clarifying that the textbook is either sold at cost or donated as a gift to the County at no charge, and that the County may duplicate it for County use by MDFR employees, but that it may not be otherwise duplicated or sold to the public.

Issue:

Whether providing the textbook to the County would be permitted under County Ethics Code Section 2-11.1 (c) which prohibits employees from transacting business with the department which employs them, or whether the County Ethics Code would prohibit you

from selling at cost or donating this textbook free of charge to MDFR for the fire department personnel training.

Discussion and Opinion

You are employed as a Fire Chief at MDFR. You also engage in outside employment (through your private company TSN Group, Inc.) which has been approved by your department director. Your work for TSN involves consulting, training, and self-publishing as an author (on online publisher Lulu) of a textbook entitled *Hazmat Medic Handbook*. This textbook serves as a manual to provide resources and train EMTs and paramedics to respond to incidents involving contamination, exposure, and poisoning from hazardous materials or WMDs. The textbook retails online for \$39.99 per textbook in PDF format. Printing and shipping of the textbook costs an additional \$13.50 per textbook. You generally sell the textbook as part of classes that you teach on this subject.

You first inquire whether you may transact business with MDFR by selling your textbook to the department at cost. Alternatively, you inquire whether you may donate a copy of the textbook to MDFR in a PDF format, which the department would then print as needed for use in internal training of MDFR employees.

Regarding your first inquiry, Section 2-11.1 (c)(2) of the Conflict of Interest and Code of Ethics Ordinance provides that a County employee may not transact business with the department that employs him or her. Consequently, the County Ethics Code would prohibit your company from selling this textbook to the County, even if you reduced the amount from retail to cost.

With respect to your donating the textbook to the County in a PDF format which the County could then print as needed for internal training, nothing in the County Ethics Code prohibits an employee from making a gift to the County for use solely by the County in conducting its official business. *See generally* Miami-Dade Code Section 2-11.1(e)(2)(e) (gift prohibition does not apply to gifts solicited by County employees on behalf of the County for use solely by the County in conducting its official business) and INQ 18-124. The Commission on Ethics has also clarified in its opinions that gifts to a local governmental entity for a public purpose are not prohibited if no exchange of benefits takes place or is anticipated in the transaction. *See* RQO 05-119. Consequently, given that you will gift a copy with no anticipation of an exchange of benefits as a result of the gift, you may donate a copy of your textbook *Hazmat Medic Handbook* in a PDF format to MDFR under the facts presented above.

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.

Feel free to contact me at 305 350-0638 if I may be of further assistance.

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.