



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Arleen Gomez
Executive Assistant to Department Director
Miami-Dade County Information Technology Department

FROM: Radia Turay, Staff Attorney
Commission on Ethics

SUBJECT: INQ 20-71 [Gifts § 2-11.1(e); Prohibition on accepting travel expenses from County vendors § 2-11.1(w)]

DATE: July 9th, 2020

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 County Information Technology Department (ITD) is considering possibly allowing ITD employees to participate in Pluralsight's Tour de Tech Campaign.

Pluralsight is a County vendor from which the County has procured software licenses. The licenses are used to access a variety of video training courses for software developers, IT administrators, and creative professionals through Pluralsight's website.

From July 20th, 2020, through August 6th, 2020, Pluralsight will host its Tour de Tech Campaign.

Pluralsight's Tour de Tech Campaign is a three week/three phase interactive program of challenges available to all current Pluralsight direct-to consumer customers and business customers who wish to participate. The purpose is to encourage development of a habit of continuous learning and drive engagement on the Pluralsight platform through accessing Pluralsight tech skills development content.

Pluralsight will provide prize drawings for each Phase of the program. Winners will be selected **at random** from all participants who complete the requirements of the challenge for that stage.

The prizes will consist of:

Stage One- All participants who complete Stage One will be entered to win: One of 100 Pluralsight Packs (Each pack consists of Pluralsight Tour de Tech Tee, Pluralsight Stickers and other small items). Pluralsight has advised that the prize value for each pack is \$24.

Stage Two- All participants who complete Stage One and Stage Two will be entered to win: One of 5 Apple watches. Pluralsight has advised that each Apple watch is \$399.

Stage Three- All participants who complete all three Stages will be entered to win the Grand Prize: A Specialized Roubaix road bike or a Peloton bike + all access membership for 1- year. Pluralsight has advised that the Specialized Roubaix road bike is valued at \$2,200; and the Peloton Bike + all access membership for 1-year is valued at \$2,713.

None of the prizes that participants in Pluralsight's Tour de Tech Campaign could win include any travel and/or travel-related expenses.

ITD does not have a separate departmental gift policy.

Issue: Whether the County's ITD employees can accept the various prizes that they might win through Pluralsight's raffle drawings, as a result of their participation in Pluralsight's Tour de Tech Campaign.

Discussion:

Section 2-11.1(e) of the County Ethics Code prohibits the acceptance of gifts in consideration of some official action by a public servant. The Ethics Commission has opined that a gift won by chance and not obtained through the performance of an official duty does not present a conflict of interest. *See* INQ 12-162; and INQ16-173.

Specifically, in INQ 12-162 a County Department Director won an item through a raffle at a conference she attended. The COE stated that the County Department Director may accept the gift won by chance, which was not obtained through an inducement to take a legal action or perform a legal duty. *See also* INQ 11-04 (A \$50 gift card donated by a County vendor and won in a random drawing at a seminar is not a reportable gift); INQ 11-163 (County employees may participate in raffles and accept prizes provide by County vendors as long as the gifts were not solicited and the raffle is also opened to the public); and INQ 16-173 (It is permissible for a County employee to participate in a survey where the County employee's name was entered in a drawing for a free course, provided the drawing was open to all customers, not just County employees.)

The raffle drawings in this case are open to all current Pluralsight direct-to consumer customers and business customers who participate in Pluralsight's Tour de Tech Campaign, not just County employees. Winners will be selected at random. **The prizes**

awarded will not involve any traveling and/or travel- related expenses. ITD does not have a separate departmental gift policy.

Opinion:

Consequently, any prize won in the random drawings conducted by Pluralsight through its Tour de Tech Campaign, is considered a gift which may be accepted by ITD employees because they would be won by chance and not awarded in exchange for any duty or act they might be involved with in their County position. *See* INQ 16-173; INQ 15-151; INQ 12-162; and INQ 11-04. However, given that the value of prizes for Stage two and Stage three of the Campaign exceed the \$100.00 threshold, any ITD employee who wins a prize for those two stages must file a gift disclosure form pursuant to Section 2-11.1(e)(4) of the County Ethics Code. *See* INQ 08-63; INQ 09-124; INQ 13-127; INQ 15-151.

Further, please note that, although not enforced by Miami-Dade Ethics Commission, Section 112.3148, Florida Statutes, prohibits public servants who are “reporting individuals” or “procurement employees” from accepting gifts from vendors or lobbyists in excess of \$100.00. Consequently, any ITD employee who is considered a “reporting individual” or a “procurement employee” under State law may not accept any gift from a County vendor or lobbyist in excess of \$100.

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.

