

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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**MEMORANDUM**

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**TO:** Evelyn Campos  
Professional Compliance Division Director  
Miami-Dade Aviation Department (MDAD)

**FROM:** Jose Arrojo, Executive Director 

**SUBJECT:** INQ 2021-150, Sections 2-11.1(e) and (w), County Ethics Code  
Airline Sponsored Raffle Prizes

**DATE:** November 23, 2021

**CC:** All COE Legal Staff  
Commission on Ethics

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

Facts:

The requester is the Division Director of the Professional Compliance Division for the Miami-Dade Aviation Department.

Spirit Airlines (Spirit) is a County vendor or contractor inasmuch as it is a party to an Airline Use Agreement (AUA) that allows it to operate at Miami International Airport. <sup>1</sup>

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<sup>1</sup> Any dated informal opinions issued by the Ethics Commission suggesting that airlines operating out of Miami International Airport are not County vendors or contractors and thus not prohibited from providing free travel to County employees, should not be relied upon. *See* INQ 11-40.

To highlight its entry into Miami International Airport (MIA), Spirit introduced the “Spiritaneous” promotional initiative that allows members of the public to enter a raffle that will award randomly selected persons with free non-stop flight tickets on Spirit. The flight destinations will be those that are served by Spirit from MIA.

Issue:

May County employees participate in a raffle that is open to the public, and if randomly selected as a winner, accept a prize consisting of free airline travel tickets donated by an airline that contracts with the County to use Miami International Airport?

Discussion:

Section 2-11.1(e), Gifts, of the Miami-Dade County Ethics Code (Ethics Code) limits the solicitation and receipt of gifts by County employees. The section prohibits the acceptance or solicitation of gifts given or received in exchange for official actions of County employees or officials (*quid pro quo* actions). As a broad general rule, there should be no nexus between the gift transaction and County employment.

The Ethics Commission has previously opined that a gift or prize won by chance not obtained through the performance of an official duty does not present a conflict of interest. *See* INQ 12-162; INQ 16-173; and INQ 2021-112. Consequently, in INQ 12-162, a County Department Director who won a prize through a raffle at a conference she attended was advised that she may accept the gift won by chance, which was not obtained through an inducement to take a legal action or perform a legal duty.<sup>1</sup>

If the raffle prize is funded or donated by a County vendor, then employees may likewise accept the gift without running afoul of the Ethics Code as long as the raffle was not limited to participation by County employees. *See* INQ 11-163 (County employees may participate in raffles and accept prizes provided 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.)

However, the acceptance of prizes won in open-to-all raffles is limited by Section 2-11.1(w) of the Ethics Code, when the prizes donated by a County vendor or contractor consist of free travel.

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<sup>1</sup> *See also* INQ 20-71 (random drawings conducted by Pluralsight, a County vendor, through its Tour de Tech Campaign 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); 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).

Section 2-11.1(w) of the Ethics Code, prohibits the acceptance of any travel expenses from a County contractor, vendor or service provider, bidder, or proposer, absent a waiver by majority vote of the County Commission.

In INQ 14-264 the Ethics Commission indicated that Sec. 2-11.1(w) of the Ethics Code, would prohibit the solicitation of a donation of a cruise (or any other travel related expense) from one of the cruise lines (County contractors or vendors) at the seaport, to be given away to a County employee as part of a raffle to benefit a nonprofit because this section prohibits acceptance of any travel expenses from a country contractor, vendor, or service provider, bidder or proposer, absent a waiver by majority vote of the County Commission. *See also* INQ 17-16 and INQ 12-229.

Specifically, in INQ 14-264 the County Port Director, inquired whether it would be appropriate to solicit the donation of a cruise from one of the cruise lines at the Port, to be given away as part of a raffle to benefit the United Way at an upcoming Port employee holiday party. The Ethics Commission stated in that instance that, while it recognized the intent of the raffle is of a charitable nature, inasmuch as it would raise funds for the United Way, the blanket prohibition in Section (w) of the Ethics Code, would prohibit the acceptance of any travel related expenses from a County Contractor, absent a waiver by the County Commission.

Section 2-11.1(w) of the Ethics Code, would therefore, prohibit the acceptance of an airline ticket (or any other travel-related expense) from a County contractor, vendor, service provider, bidder, or proposer, at the airport, if the airline ticket is to be given to a County employee through a raffle, absent a waiver by the County Commission. *See* INQ 12-229; INQ 13-287; INQ 14-264; INQ 17-16 and INQ 19-96.

Opinion:

Airlines operating at MIA, like cruise lines operating at PortMiami, are County contractors by virtue of their port use agreements with the County.

County employees may accept prizes in open-to-the-public raffles, even if the prizes are donated by County vendors or contractors. The exception to this general rule relates to free travel prizes donated or funded by County vendors or contractors. Employees may not accept any travel related expenses from County vendors or contractors.

Consequently, MDAD employees may not accept free travel benefits as raffle prizes when donated or funded by airlines operating out of MIA.

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. Additionally, guidance regarding Florida's Sunshine Law may be obtained from the Florida Attorney General.

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.