



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Arlene Gomez  
Executive Assistant to Department Director  
Information Technology Department

Sue Camner  
Senior Executive Assistant to Department Director  
Information Technology Department

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

**SUBJECT:** INQ 2021-112, Gifts § 2-11.1(e)

**DATE:** August 2, 2021

**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 County employee acceptance of raffle prizes and promotional items from a County vendor.

Facts: The Miami-Dade County Information Technology Department (ITD) is considering allowing ITD employees to participate in raffles administered by Pluralsight, a County vendor, and receiving raffle prizes and promotional items.

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.

Said raffles are offered to all Pluralsight customers and the winners of the raffle are selected by a random drawing for those participating in a specific task on the platform. The items provided to winners include t-shirts, water bottles, and charging pads. The raffle prizes and/or promotional items are valued between eight and sixteen dollars. The prizes awarded will not involve any traveling and/or travel related expenses.

ITD does not have a separate departmental gift policy.

Issue: Whether Section 2-11.1(e) of the Miami-Dade County Ethics Code (Gifts) permits a County employee's acceptance of raffle prizes and promotional items from a County vendor.

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. However, 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 INQ 16-173.

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 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); 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.)

The raffle drawings in this instance are open to all Pluralsight customers, not just County employees. The raffle winners will be selected at random and all prizes are below the \$100 reporting requirement.

Conclusion:

Consequently, a prize won in the raffle drawing conducted by Pluralsight is considered a gift which may be accepted by ITD employees because it was won by chance and not awarded in exchange for any duty or act he or she might be involved with in his or her County position. See INQ 20-71; 15-151; INQ 12-162; INQ 11-04.

Given that the value of the prizes does not exceed the \$100.00 statutory threshold, an ITD employee that wins a prize is not required to file a gift disclosure form pursuant to Section 2-11.1(e)(4) of the County Ethics Code as the prizes are under the reportable requirement. See RQO 07-61; INQ 08-63, INQ 09-124, INQ 13-127, and 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.

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.