

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Honorable Jose “Pepe” Diaz  
Chairperson, District 12 Commissioner

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

**SUBJECT:** INQ 2021-124, Sponsored Travel and Meal Costs – International Trade  
Sections 2-11.1 (w), (g), (e), County Ethics Code

**DATE:** September 10, 2021

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding an international trade delegation trip to Italy.

Facts:

The Jay Malina International Trade Consortium of Miami-Dade County (ITC) describes its mission as solidifying the County’s position as a world center for international trade and commerce.<sup>1</sup>

The ITC uses outbound missions to promote its goals. These missions consist of in-country prearranged meetings between County delegation members and foreign government officials, business leaders, and local economic development agencies to acquaint them with Miami-Dade County's international trade promotion programs and encourage the County’s international trade agenda. This includes highlighting the County's infrastructure including its seaport and airport, multilingual workforce, and its geographic location as a transshipment point.

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<sup>1</sup> See Sections 2-1501 to 2-1503, Miami-Dade Code, regarding the establishment of the Jay Malina International Trade Consortium of Miami-Dade County (ITC), and its public purpose.

The Office of the ITC, that provides staff support to the ITC Board, also manages the County's Sister City program, made up of over 30 relationships, and serves as the County's primary liaison to the international diplomatic community.

The County delegation for this trip will be led by Jose "Pepe" Diaz, the Chairperson of the Board of County Commissioners and Chairperson of the ITC Board. Other possible participants may include Maria Dreyfus-Ulvert, Assistant Director of the Office of the ITC, and Juan Kuryla, Director of the County Seaport (PortMiami).

Viareggio is a city located in northeastern Italy on the coast of the Tyrrhenian Sea. The city is home to several of the main luxury super yacht building firms in the world, including Azimut Benetti, Codecasa, Fipa, Rossinavi, and Perini Navi. Viareggio is located approximately 86 miles south of Genoa.

Genoa is a large city and home to the Port of Genoa. It is reported that the Port of Genoa has an annual port trade volume of close to 60 million metric tons, ranking first in Italy. It has one of the largest port trade volumes in Europe.

Chairman Diaz, and the above-described delegation, are planning a trip to Viareggio and Genoa to establish contacts with local officials and business leaders, promote Miami-Dade County as a location to host, outfit, maintain, repair, and perhaps manufacture super yachts, as well as establishing business links between the Port of Genoa and PortMiami.

The City of Viareggio has offered to pay for room and board expenses for up to five members of the delegation. Approximately \$10,000 in County funds from the County Seaport will be used to pay for air travel and transportation. Out of pocket expenses for meals will likewise be subsequently reimbursable by the County.

MSC Mediterranean Shipping Company (MSC) is an international container shipping company that reports a fleet of 570 vessels and more than 100,000 employees. MSC additionally reports that it maintains 524 offices and has a presence in 500 ports, including PortMiami. MSC is a County contractor as a result of its presence at PortMiami.

MSC has offered to host a lunch at the Port of Genoa for the delegation and local officials and business leaders.

Issue:

Whether Commissioner Diaz and other members of a County international trade delegation may accept funds from the City of Viareggio, Italy and MSC, an international container shipping company and County contractor, to pay for room and board expenses, and a meal with local officials and business leaders, respectively.

Discussion:

Section 2-11.1(g) of the County Ethics Code, *Exploitation of official position prohibited*, prohibits County officials and employees from exploiting their official position to secure special privileges, exemptions, or benefits for themselves.

Establishing contacts with local officials and business leaders in Italy, promoting Miami-Dade County as a location to host, outfit, maintain, repair, and perhaps manufacture super yachts as well as establishing business links between the Port of Genoa and the PortMiami are objectively laudable public purposes and consistent with the mission of the ITC as set out in the County Code.

Consequently, international travel to promote the expansion of County business funded by a third party, in this case a foreign city, would not under any circumstances constitute exploitation of official position. *See* INQ19-10 (Travel by County officials to Morocco to attend an event focused on expanding trade between Miami and Casablanca and predicated on the establishment of direct non-stop air travel between Miami International Airport and Casablanca, funded in part by the American Chamber of Commerce in Morocco, does not constitute exploitation of official position.)

Section 2-11.1(w) of the County Ethics Code, *Prohibition on acceptance of travel expenses from county vendors*, 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. Subsection (w) specifically provides that its provisions shall not apply to travel expenses paid by other governmental entities.

Thus, travel, lodging, and meal expenses paid for the City of Viareggio would not constitute a violation of the County Ethics Code.

Conversely, because MSC is a County contractor, it would not be able to fund meals or other travel related expenses for the delegation. <sup>2</sup> *See generally* INQ 12-229, INQ 13-101, INQ 15-182, INQ 18-237 (Cruise lines operating out of PortMiami may not provide transportation, lodging, meals, or incidentals to County officials.)

Finally, Section 2-11.1 (e)(3) of the Ethics Code, *Gifts*, prohibits County officials and employees from soliciting or demanding any gift. However, subsection (e)(2) excludes from this prohibition any “gifts” solicited by County Commissioners, departmental personnel, and employees in the performance of their duties for use solely by the County in conducting its official business.

Since costs associated with this travel will be incurred while performing an official duty, then they do not constitute a gift to the local official or employee and also need not be reported as such, although to promote transparency and disclosure the official may elect to do so. *See* INQ 19-50 (Port Director may accept travel and lodging costs associated with his attendance at a port director’s trade conference and they do not constitute a reportable gift to the official.); INQ 12-56 (Reimbursed expenses to a Mayor incurred during a trip to reactivate a sister city relationship

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<sup>2</sup> This restriction may be waived by a majority vote of the County Commission.

between Lima, Peru and Miami do not constitute a gift and need not be reported as the trip was for an official duty and conducting official municipal business.); INQ 19-10 (It is recommended that travel costs incurred by County officials to attend an event focused on expanding trade between Miami and Casablanca funded by a third party be reported as gifts to the official.)

Opinion:

The expressed purpose for the County delegation's travel to Viareggio and Genoa is to establish contacts with local officials and business leaders, promote Miami-Dade County as a location to host, outfit, maintain, repair, and perhaps manufacture super yachts as well as establishing business links between the Port of Genoa and the PortMiami.

This is a public purpose that is consistent with the mission of the ITC as set out in the County Code

The attending officials include the ethics opinion requester, the Chairperson of the Board of County Commissioners and the Chair of the ITC Board, and County executives from the Office of the ITC and PortMiami. All will be attending in their official capacities.

The City of Viareggio, Italy will be providing room and board in Italy, and it is not County contractor, vendor, service provider, bidder, or proposer. As such, it may pay for costs associated with the delegation's travel and lodging.

MSC is a County contractor, and it may not provide travel, lodging or meals for the delegation unless waiver is granted by the Board of County Commissioners.

The local officials and employees need not report the costs associated with the travel as a gift expenditure pursuant to the Code of Ethics and applicable state statutes, but it is recommended that they do so to promote transparency and disclosure.

This opinion is limited to the facts as you and County staff presented them to the Commission on Ethics, 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.