



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North  
701 Northwest 1<sup>st</sup> Court · 8<sup>th</sup> Floor · Miami, Florida 33136  
Phone: (305) 579-2594 · Facsimile: (305) 579-0273  
Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

---

---

### MEMORANDUM

---

---

**TO:** Honorable Oliver G. Gilbert, III  
District 1 Commissioner and Vice Chair

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

**SUBJECT:** INQ 2021-39, Sponsored Travel Costs  
Sections 2-11.1 (w), (g), (e)(4)

**DATE:** March 2, 2021

**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:

You are planning to travel to Los Angeles, California. The purpose of the trip is to better inform yourself on the nexus between airports, transit, and economic development. While there, you plan to meet with the Mayor and Vice Mayor of Los Angeles County and will participate in guided tours of LAX and multiple transit infrastructure sites. Insight and knowledge gained from the trip will be applied to airport, transit, and economic development related policy and legislation here in Miami-Dade County.

Wagar Global Advisors (Wagar) self-describes as a national public affairs and strategic advisory firm with experience in the public, private and nonprofit sectors. The firm is led by Kirk Wagar, formerly U.S. Ambassador to Singapore, and former member of the Export-Import Bank Advisory Committee with service on Bank's Sub-Saharan Africa Advisory Committee. Mr. Wagar attended law school in Miami and has ties to this community.

You advise that Wagar is not a County contractor, vendor, service provider, bidder, or proposer. Also, Wagar's principal, Kirk Wagar, is not a lobbyist who lobbies the County, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist.

Wagar has agreed to fund your airfare and room and board costs associated with the travel as described above.

Issue:

Whether Vice Chair Gilbert may accept funds from Wagar to cover travel, and room and board expenses related to a fact-finding trip to Los Angeles, California to inform himself on the nexus between airports, transit, and economic development, meet with the Mayor and Vice Mayor of Los Angeles County, and tour LAX and multiple transit infrastructure sites.

Discussion:

Section 2-11.1(w) of the Miami-Dade Conflict of Interest and Code of Ethics (Ethics Code) 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. This restriction may be waived by a majority vote of the County Commission.

It is reported that the funding entity for the proposed travel to Los Angeles, Wagar, is not a County contractor, vendor, service provider, bidder, or proposer. Also, Wagar's principal, Kirk Wagar, is not a lobbyist who lobbies the County, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist.<sup>1</sup>

Also, Section 2-11.1(g) of the Ethics Code prohibits public officials from exploiting their official position for private gain or benefit. However, traveling to one of the largest cities in the United States in order to meet with local officials, tour airport and transit infrastructure, to inform airport, transit, and economic development related policy and legislation here in Miami-Dade County, is objectively a laudable public purpose. Thus Section 2-11.1(g) would not be violated by the proposed travel by the County official.

The issue presented is dissimilar to those previously considered by the Commission on Ethics relating to sea travel for County officials sponsored by various cruise lines operating out of Port Miami as in those cases, the cruise lines were Port Miami clients/vendors. (*See generally* INQ 12-229, INQ 13-101, INQ 15-182, INQ 18-237)

The proposed travel is more similar to previous travel by a County Commissioner to Morocco to meet with local chamber of commerce and airline officials in that country to commemorate the establishment of direct flights between Miami and that country, and otherwise encourage business between the African nation and Miami-Dade County. In that case, the visiting Commissioner's airfare, attendance costs and room and board, were likewise sponsored by an entity that was not a County contractor, vendor, service provider, bidder, or proposer. (INQ 19-10)

---

<sup>1</sup> See Sec. 112.3148(4), Florida Statutes.

Finally, Section 2-11.1 (e)(4) of the Ethics Code requires disclosure of any gift having a value of \$100 or more. In this instance, airfare, room and board, and any other miscellaneous ground transportation or meal and beverage costs would constitute gifts that would have to be reported by filing a copy of gift disclosure forms required by Chapter 112, Florida Statutes, for local officers, with the appropriate receipt entity.

Opinion:

The expressed purpose for the County official's travel to Los Angeles, California is to learn about the nexus between airports, transit, and economic development, meet with the Mayor and Vice Mayor of Los Angeles County, and participate in guided tours of LAX and multiple transit infrastructure sites. Insight and knowledge gained from the trip will inform airport, transit and economic development related policy and legislation here in Miami-Dade County.

The attending official is an elected Commissioner and the Vice Chair of the Board of County Commissioners.

Wagar will pay costs expended by the local official's air travel and hotel stay. Wagar is not known to be a County contractor, vendor, service provider, bidder, or proposer.

The local official will be reporting the costs associated with the travel as a gift expenditure pursuant to the Code of Ethics and applicable state statutes.

Accordingly, you may allow Wagar to assume the costs associated with the travel to Los Angeles, California to attend the meetings and tour locations as described above.

This opinion is limited to the facts as you and County staff 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.