



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: William Texidor
Field Test Engineer
Department of Transportation and Public Works

FROM: Loressa Felix, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-136, County Paid Travel to Vendor Conference, Section 2-11.1(w),
County Ethics Code

DATE: September 9, 2022

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding applicable conflict of interest provisions affecting a County employee's attendance of a conference held by a County vendor.

Background:

You are employed as a Field Test Engineer for the Miami-Dade County Department of Transportation and Public Works (DTPW). You are responsible for the review and specifications of equipment installed in County transit vehicles. You are planning to attend the CONNECT2022 conference in Austin, Texas from September 12, 2022 to September 15, 2022.

The conference is being held by Clever Devices, a County vendor, that works with DTPW providing devices and technology that are installed in County buses for tracking and maintenance purposes. The County is paying your travel expenses and registration fees to attend the conference. The registration for the conference includes several networking events open to all registrants including a golf tournament, an opening reception, a go-karting experience, and a BBQ.

The CONNECT2022 conference brings together transit experts to discuss important topics facing the transit industry. The conference will cover a comprehensive program designed to address many of the daily concerns transit agencies face including cybersecurity threats. Attendees will also learn about the enhancements in Clever Devices business intelligence, electric vehicle

management, back office, scheduling, and passenger information solutions, and demos by product experts.

You advise that you are attending the conference to learn about new technologies and products to assist with the County's integration of electric vehicles to the current transit system and the review of transit specifications and installations. You are inquiring as to any potential conflict of interest provisions that may prevent your participation in the golf tournament offered to all attendees of the conference.

Discussion:

Section 2-11.1(w) of the Miami-Dade County Ethics Code prohibits a County employee from accepting, directly or indirectly, any travel expenses, lodging, meals, registration fees and incidentals from any County contractor, vendor, service provider, bidder or proposer. The prohibition may only be waived by a majority vote of the Board of County Commissioners. *See* Section 2-11.1(w) of the Ethics Code.

As the County will be paying all expenses for the conference, there is no prohibition under Section 2-11.1(w) that would prevent you from attending the conference or any events offered by the conference (i.e. the golf tournament). *See* INQ 17-184; *see also* 17-120 (the PortMiami Director and CEO and Deputy Port Director may accept the invitation of Norwegian Cruise Line, a county contractor, to attend the inaugural ceremonies including the on-board receptions for their newest vessel, Norwegian Joy, in Shanghai, China, because the event is related to their job duties and the County will pay all expenses for the trip, including airfare, lodging, meals, and incidentals).

Ethics Commission has also opined that PortMiami Director and Cruise Development Manager may attend the two-night inaugural cruise on board the new ship, Bliss, by Norwegian Cruise Line, a County contractor, because the Seaport will pay the cost of the staff members' attendance; and there is a public purpose served by County officials attending the event because it is directly related to their official duties. *See* INQ 18-101. In this case, the CONNECT2022 conference is directly related to your official duties and offers a legitimate public benefit in the exposure of various transit solutions and technologies available for use at the County. *See* INQ 13-101, INQ 15-182, INQ 18-237, and INQ 19-120 (participation in the inaugural cruise had significance to Port Miami officials because of its partnership with the cruise line and the legitimate public benefit to the County because of the networking opportunities available with cruise/tourism officials).

Consequently, you are not prohibited from attending the CONNECT2022 conference and the events offered as part of your registration (i.e. the golf tournament), held by County vendor Clever Devices, as the costs related to the conference are paid by County funds and there is a legitimate public purpose for the trip.

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.