


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Honorable Keon Hardemon
District 3 Commissioner

FROM: Jose Arrojo, Executive Director 
Commission on Ethics

SUBJECT: INQ 2022-163, Sponsored Travel Costs
Sections 2-11.1 (w), (g), (e)(4), County Ethics Code

DATE: December 14, 2022

CC: All COE Legal Staff

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

Facts:

Commissioner Hardemon is planning to travel to Israel. The trip is specifically geared towards elected or appointed African American government officials and government employees. For Commissioner Hardemon, the purpose of the trip is to inform himself on Israel, the issues facing that nation and the greater region. While there, he plans to meet with governmental leaders from Israel, the Palestinian Authority, and prominent representatives from nonprofit non-governmental organizations, academics, and journalists. Insight and knowledge gained from the trip, and person-to-person contacts will later be used to foster greater and more informed cultural, academic, and economic relationships between Israel and Miami-Dade County.

The American Israel Education Foundation (AIEF) self-describes as a charitable and educational 501 (c)(3) organization, providing grants to support educational programs including Middle East research, educational materials and conferences, and leadership programs to inform political leaders about the importance of the U.S. - Israel relationship through firsthand experiences in Israel, briefings by experts on Middle East affairs, and meetings with Israeli political leaders.

AIEF has offered to fund costs associated with Commissioner Hardemon's travel to Israel. AIEF is not a County contractor, vendor, service provider, bidder, or proposer. Also, AIEF does not lobby the County nor is it a principal who has engaged a lobbyist who lobbies the County.

Issue:

The question presented is whether Commissioner Hardemon may accept funds from the American Israel Education Foundation to cover travel, and room and board expenses related to a fact-finding trip to Israel to inform himself on the issues facing that nation and the greater region and utilize insight and knowledge gained from the trip, and person-to-person contacts to foster greater and more informed cultural, academic, and economic relationships between Israel and Miami-Dade County.

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, the American Israel Education Foundation (AIEF), a charitable and educational 501 (c)(3) organization, is not a County contractor, vendor, service provider, bidder, or proposer. Also, AIEF does not lobby the County nor is it a principal who has engaged a lobbyist who lobbies the County.

Also, Section 2-11.1(g) of the Ethics Code prohibits public officials from exploiting their official position for private gain or benefit. However, travel to Israel by an elected official so as to inform himself on Israel, the issues facing that nation and the greater region and using insight and knowledge gained from the trip, and person-to-person contacts to foster greater and more informed cultural, academic, and economic relationships between Israel and Miami-Dade County, is objectively a laudable public purpose. Thus, Section 2-11.1(g) would not be violated by the proposed travel by a County official.

The proposed travel is similar to previous, third-party funded, trips by other County elected officials to foreign jurisdictions to meet with host country officials, cultural, educational, and business leaders. As regards that prior travel by officials, 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, and thus payment by the third party was permissible under the County Ethics Code.¹

¹ 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); INQ

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 should 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 Israel is to inform himself on Israel, the issues facing that nation and the greater region. While there, he plans to meet with governmental leaders from Israel, the Palestinian Authority, and prominent representatives from nonprofit non-governmental organizations, academics, and journalists. Insight and knowledge gained from the trip, and person-to-person contacts will later be used to foster greater and more informed cultural, academic, and economic relationships between Israel and Miami-Dade County.

The American Israel Education Foundation (AIEF), a charitable and educational 501 (c)(3) organization, is not a County contractor, vendor, service provider, bidder, or proposer. Also, AIEF is not a County lobbyist nor is it a principal who has engaged a lobbyist who lobbies the County. AIEF will pay the costs expended by the local official's air travel and hotel stay.

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, Commissioner Hardemon may allow AIEF to assume the costs associated with the travel to Israel to attend to the meetings and matters 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.

2022-45 (Travel by County official to Spain on a County outbound international trade promotion trip, funded in part by CAMACOL does not constitute exploitation of official position)

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.