

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Honorable Jose “Pepe” Diaz  
Chairperson of the Board of County Commissioners  
Commissioner, District 12

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

**SUBJECT:** INQ 2022-45, Sponsored Travel and Meal Costs – International Trade  
Sections 2-11.1 (w), (g), (e), County Ethics Code

**DATE:** March 21, 2022

**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 trip to Spain.

Facts:

You are the Chairman of the Board of County Commissioners (BCC). The Office of the BCC Chair is staffed by approximately a dozen county employees.

You also chair the board of Jay Malina International Trade Consortium of Miami-Dade County (ITC).<sup>1</sup> The ITC uses outbound missions to promote its goals. These missions consist of meetings between County delegation members and host nation government officials, business leaders, and local economic development agencies.

At these meetings, the County delegation learns about the host nation’s businesses and infrastructure and highlights the County's own infrastructure, multilingual workforce, geographic location as a transshipment point, and status as a center for international commerce. The goal of

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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 meetings is to identify areas where the host nation and the County can partner in trade and business.

You are planning a trip to several locations in Spain. You may be accompanied on the trip by one or more employees from your office. While there, you will contact host country local and regional officials and business leaders, learn about business and infrastructure in that nation and promote the County's international trade agenda with the goal of establishing subsequent trade and business relationships.

The Latin Chamber of Commerce of the United States (CAMACOL) self-describes as the largest Hispanic business organization in the State of Florida and one of the most influential minority business groups in the United States. CAMACOL's mission is to foster the entrepreneurial spirit of Florida's Hispanic and minority communities, and as such, it conducts programs to strengthen local business. CAMACOL is a not-for-profit organization, and it is not a county vendor or contractor.<sup>2</sup>

CAMACOL representatives will be traveling with you on this trip. Costs associated with your air travel, ground transportation, room and board, and meals will be funded by CAMACOL.

Issue:

Whether Commissioner Diaz and members of his staff, who will be traveling to Spain on a County outbound international trade promotion trip, may allow costs associated with air travel, ground transportation, room and board, and meals to be funded by CAMACOL.

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.

Traveling to Spain in your official capacity as the Chair of the Board of County Commissioners and Chair of the ITC, in order to meet with host nation local officials and business leaders so as to learn about its business and infrastructure and promote the County's international trade agenda with the goal of promoting subsequent trade and business relationships, are objectively laudable public purposes and consistent with the mission of the ITC as set out in the County Code.

Consequently, international travel to Spain, as described and funded by a third-party chamber of commerce, in this case, CAMACOL, would not constitute exploitation of official position.<sup>3</sup>

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<sup>2</sup> CAMACOL Development Council, Inc. is an active Florida Not for Profit Corporation.

<sup>3</sup> 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

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.

It is represented that CAMACOL does not qualify as a County contractor or vendor and as such travel, lodging, and meal expenses paid for the organization would not constitute a violation of the County Ethics Code.

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.<sup>4</sup>

Opinion:

The purpose for your travel to Spain is to establish contacts with the host nation’s local and regional officials and business leaders, learn about its businesses and infrastructure and highlight the County's own infrastructure, multilingual workforce, geographic location as a transshipment point, and status as a center for international commerce. The goal of the meetings is to identify areas where the host nation and the County can partner in trade and business relationships.

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

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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.)

<sup>4</sup> 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 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.)

You will be traveling as the Chairperson of the Board of County Commissioners and the Chair of the ITC Board, and so you and members of your staff will be engaged in your official capacities.

CAMACOL will be funding air travel, ground transportation, lodging and meals for the you and your staff. CAMACOL is not a County contractor, vendor, service provider, bidder, or proposer. As such, it may pay for costs associated with the travel and lodging.

You and your County staffers 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 you do, so as 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.