

Meyers, Robert (COE)

IND 07-185

From: Meyers, Robert (COE)
Sent: Tuesday, December 11, 2007 2:47 PM
To: 'Charles Auslander'
Cc: Arista-Volsky, Maria (CAO); Modesto Abety; Loretta Duvall
Subject: RE: [Fwd: Acceptance of gifts]

Charles,

I can provide you with an opinion without a formal letter. As I understand it, your question is whether TCT staff can attend a provider or would-be provider's holiday party.

Your policy is fairly clear in that it specifically bars employees from accepting gifts from any person or company that has done business with, or is doing business with, or is seeking to do business with The Trust. Therefore, TCT employees would not be permitted to attend a provider or would-be-provider's holiday party without an exception to the abovementioned rule. Seeing no exception to the rule, I conclude that attending the party constitutes acceptance of a gift and employees are prohibited from accepting gifts from providers or those seeking to do business with the Trust.

I also considered the possibility that the holiday party amounts to a gift given for a special occasion, but I am not convinced a holiday party is consistent with the definition of a special occasion. As I see it, a special occasion calls for the celebration of one person's good fortune -- a wedding or the birth of child -- or to commemorate a meaningful event in someone's life (an anniversary or birthday) as opposed to a generic holiday party which does not single anyone out.

I understand your point that the party in question is free to invited guests, but this does not alter my opinion. A gift is defined as anything of value and I would be hard-pressed to find that the food/drinks available for consumption at the party have no value.

Given my opinion, the employees have two options. One is to respectfully decline the invitation and explain your policy on gifts. The second option is ask the party-giver to calculate the cost of the party on a per person basis and have your employees who wish to attend to pay their "fair share." If option number two is not viable, then TCT employees should not attend this party.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

-----Original Message-----

From: Charles Auslander [mailto:charles.auslander@thechildrenstrust.org]
Sent: Tuesday, December 11, 2007 12:56 PM
To: Meyers, Robert (COE)
Cc: Arista-Volsky, Maria (CAO); Modesto Abety; Loretta Duvall
Subject: [Fwd: Acceptance of gifts]

Dear Robert,

Tis the season ... and I'd like a clarification, please. With advanced thanks for your time, here goes:

I read TCT gift policy (below) to prohibit staff from attending a provider or would-be provider's holiday party, even if all invitees are provided free entry. My former understanding was that if a party was free to all invited then it was not a violation of the gift policy for a Trust employee to attend.

Please let me know. If you require a formal letter, I'll send it soon as possible. I thought you might make an exception, given the timing of these events in relation to this

request.

Thanks.
Charles

----- Original Message -----

Subject: Acceptance of gifts
Date: Mon, 10 Dec 2007 12:05:31 -0500
From: Loretta Duvall <loretta.duvall@thechildrenstrust.org>
Organization: The Children's Trust
To: tctallusers@thechildrenstrust.org

Since we are in the holiday season, you maybe receiving items from vendors, providers, or others that could be interpreted as a gift. As a reminder, I am sending each of you the excerpt from the conflict of interest and ethics policy of The Children's Trust which defines a gift.

"Employees may not accept, directly or indirectly, any gifts, including money, objects of value, or premiums, from any person or company that has done business with, or is doing business with, or is seeking to do business with The Trust. Employees are prohibited from soliciting any gifts.

A *gift* is a thing of value to the recipient and can include such items as meals, cash payments, a loan, gratuity, honoraria, service, favor, tickets or gratuitous entry to events or fundraisers; baskets, fruit, wine or promise of future employment. Offered gifts are to be politely and respectfully declined. Other gifts (wedding, birthday or special occasion) not deemed to be in violation of this section shall be reported.

The policy that employees are not to accept or solicit gifts is not meant to apply in connection with and related to program items officially sponsored by The Trust and bearing the Trust logo, such as: hats, shirts, or cups related to Health Connect, Out of School, or other Trust sponsored programs."

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Loretta M. Duvall

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