

Meyers, Robert (COE)

JNQ 09-05

From: Meyers, Robert (COE)
Sent: Wednesday, January 07, 2009 11:58 AM
To: Fernandez-Morin, Marcia (Aviation)
Subject: Ethics Opinion

Dear Marcia:

Thank you for your telephone call yesterday and I wanted to provide you with a written response to your question. Please realize that I presented your question to our general counsel and chief prosecutor and the three of us agree as to the proper course of action.

As I understand it, an employee from the Aviation Department is retiring from Miami-Dade County and the Department wishes to throw a party for her. You wish to know whether you may solicit contributions from private businesses – possibly County vendors – and other entities not necessarily affiliated with the County to help underwrite the cost of the retirement party. You also mentioned to me that you checked with the County Attorney's Office located at MIA and you were given an informal opinion, but you were advised to contact the Ethics Commission. Finally, you informed me that you were involved planning/arranging in a few retirement parties when you worked at the Fire Department and such solicitations took place.

The County gift rules are fairly clear on this subject – employees are not allowed to solicit gifts from third parties unless such activities are in performance of their official duties for official County business. It does not appear to me that a retirement party is official County business. Therefore, Aviation Department personnel should not solicit gifts from third parties to help pay for the cost of the retirement party. The way it generally works when someone retires from County, assuming there is an interest in having a party for the retiree, is for a price to be set to cover the costs associated with the party and then those who wish to attend pay that established price.

If, however, an individual or firm unconnected with the County finds about the employee's retirement party and offers to help, that would probably be acceptable, as long as that individual/firm had not been directly solicited by a County employee.

If you have any further questions or wish to discuss, please feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust

1/7/2009