

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, December 09, 2010 4:34 PM
To: Mendelsberg, Scott (MDFR)
Cc: Kraftchick, Lee (CAO); Meyers, Robert (COE)
Subject: Scholarships for firefighters in Aventura

Mr. Mendelsberg,

Robert Meyers, our Executive Director, has asked me to respond to your question about Miami-Dade County firefighters at Fire Station #8 in Aventura, and their family members, accepting certain scholarships to Florida International University (FIU). We understand that the scholarships are to be funded by an Aventura resident in recognition of the local firefighters. The donor will give the funds for the scholarships directly to FIU, which will have sole responsibility to administer the program and make decisions about awards. Only Station #8 firefighters and their family members will be eligible for the scholarships.

THE ETHICS CODE at Sec. 2-11.1 (e)(3) prohibits County employees from accepting gifts intended to influence them to take an official action or in response to an official action taken. In this case, however, since the scholarships are not aimed at a particular, individual firefighter or firefighters based on a direct personal service provided or to be provided, we find that the scholarships administered solely by FIU under the circumstances you described do not violate the Ethics Code.

However, the scholarships are gifts as defined in the Ethics Code at Sec. 2-11.1 (e)(1) and do not fall within the gift exception of an award for professional or civic achievement. Consequently, recipients must disclose scholarships valued at more than \$100. The gift disclosure form can be found at <http://www.miamidadeethics.com/RighthandBarWebsiteTools/FormTable.html>.

COUNTY ADMINISTRATIVE ORDERS (AOs) are not interpreted by the Ethics Commission. We direct you to the County Attorney's Office for a legal opinion of AO 7-1, which prohibits County employees from accepting tips or gratuities for performing their public duties.

If we can be of further assistance regarding the County Ethics Code, please do not hesitate to contact us.

Sincerely,

Victoria Frigo, Staff Attorney
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12/9/2010