

Ethics (COE)

From: Ethics (COE)
Sent: Tuesday, August 16, 2011 1:45 PM
To: Negron-Soto, Gladys (JAC)
Subject: RE: Request for Opinion

Dear Dr. Negron-Soto:

Thank you for your request for opinion. As I understand it, the Roy and Lea Black/Consequences Foundation will be providing grant funding to the Juvenile Services Department in the amount of \$60,000. Several hair care products have been given to JSD staff by personnel from the Consequences Foundation. In essence, you ask two questions: 1) Whether the agency may accept these gifts and distribute the gifts to JSD staff and 2) Can the agency distribute the products to your clients and their families?

The County Code of Ethics bans the acceptance of gifts from vendors, contractors or service providers if the gifts are to pay for travel or travel-related expenses of County officials or employees. Furthermore, where a promise is made to give a gift in return for some government action, these gifts would be banned as well. Lastly, the amount of a gift is limited if the party giving the gift is a lobbyist.

With respect to all other circumstances, the County ethics ordinance requires gifts in excess of \$100 to be reported by the individual accepting the gift. If the value of the gift falls below this threshold, there would be nothing to report. There is also language in the law that covers departmental gifts – where no one person receives a gift worth \$100 but the value of the gift given to the department is worth at least \$100.

In your particular case, the gift ordinance does not preclude JSD employees from accepting hair care products from Consequences Foundation personnel and individual employees would be required to report these gifts only if the gift to them exceeds \$100. Since it is conceivable that no employee will receive a gift reaching this amount, but the total value of the gifts given to the department could be above \$100, the department ought to report these gifts as departmental gifts.

If the department decides to distribute these products to clients and their families, the department would have no gifts to report, but I would urge you to maintain a record describing the method the department used for distributing these gifts.

Although it does not violate the County ethics code for JSD personnel to accept these hair care products, I think it establishes a bad precedent for County employees to accept gifts from parties having a business relationship with Miami-Dade County. Thus, you can advise the Consequences Foundation of your plan to distribute these products to your gifts or you can advise the Consequences Foundation to give the gifts directly to your clients.

Please do not hesitate to contact me should you wish to discuss.

Sincerely,

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

From: Negron-Soto, Gladys (JAC)
Sent: Wednesday, August 10, 2011 4:20 PM
To: Ethics (COE)
Cc: Copeland, Morris (JAC); Akerman, Cindy E. (JAC); Burgos, Catherimarty (JAC); Wiggan, Paulette (JAC)
Subject: Request for Opinion

Good Afternoon,

8/16/2011

JSD is requesting an opinion on the following:

JSD is currently entering into an MOU with the Roy and Lea Black Foundation/ Consequences Foundation for the foundation to provide funding to JSD, currently we have an existing Resolution Authorizing the acceptance of Grant funds from this foundation in the current amount of \$60,000, To enhance assessment services.

Personnel from the Consequences Foundation are also involved with a for profit agency that sells and distributes hair care products.


On this date several hair care items (i.e.: shampoos, conditioners, etc.) were sent to JSD for JSD staff as gifts, given the current partnership with this agency is the acceptance of the hair care products an ethics violation? The estimated value of the products is unknown at this time. Is it allowable to accept the products and distribute to our clients and/or their families?

Thank you for your time in this matter.

Gladys Negron-Soto, Psy.D., Manager, JSD Public Policy Research and Justice Assistance/
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