

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, July 18, 2012 2:53 PM
To: Casas-Perez, Belkys (ITD); Poster-Ellis, Dale (ITD); Newmark, Jacqueline (ITD)
Cc: Centorino, Joseph (COE)
Subject: IBM Speaker Waiver (INQ 12-121)
Attachments: INQ 08-05 Chicola.pdf; INQ 10-153 Mazzorana.pdf; IBM Legal Approval.pdf

Ms. Casas-Perez,

We have reviewed the facts related to Jacqueline Newmark's presentation at the IBM 2012 Conference in Las Vegas and determined that the County Ethics Code does not allow Ms. Newmark to accept a waiver of the registration fee of \$2,195 from IBM, a County vendor.

The registration fee includes admittance to all conference meals, education sessions, Expo, networking events and programs from Sunday through Thursday. Sec. 2-11.1 (w) of the County Code specifically prohibits a County employee from accepting registration fees and meals from County vendors while traveling.

This opinion is consistent with one given to Gus Chicola, Division Director of Data Center Services, in 2008. Mr. Chicola was not allowed to accept a registration fee waiver and a travel stipend from IBM to make a presentation in Orlando. (See INQ 08-05.) Similarly, Ms. Newmark was advised that she could *not* accept a registration fee waiver from IBM in 2010 based on her making a presentation. (See INQ 10-153.)

I believe there may be some confusion related an email dated Feb. 26, 2008, from Robert Meyers. As he subsequently clarified on Aug. 19, 2010, he had misunderstood that the 2008 conference was free to *all attendees*. **You should *not* rely on the Feb. 26, 2008, email for guidance in these matters.**

In addition to the ethics opinions cited, I have attached the form requested by IBM to be signed by legal counsel. Ms. Newmark's signature should be added to the form.

If you or your coworkers have additional questions, please feel free to contact me.

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

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From: Casas-Perez, Belkys (ITD)
Sent: Wednesday, July 18, 2012 8:34 AM
To: Frigo, Victoria (COE)
Subject: FW: IBM Information On Demand 2012 Speaker Waiver - Signatures Required
Importance: High

Good morning Mrs. Frigo,

I am writing to you to request your opinion on an ethics questions. We have an employee who has been invited to speak at an IBM conference where the cost for the registration is \$2195. According to the attached

documents, this fee is being waived to all those attendees who have been invited to speak. Miami-Dade County would pay all other related travel expenses. Would it be appropriate to accept this registration fee waiver given that IBM is a registered vendor?

In the past, we've encounter this same scenario and were advised that as long as the registration fee was being waived to all speakers and not unique to MDC we were able to accept the waiver – see attached.

If we are able to accept the waiver, please fill out the attached speaker waiver form and send back to me. Feel free to contact me should you have any questions.

Thank you,
Belkys

From: Poster-Ellis, Dale (ITD)
Sent: Tuesday, July 17, 2012 6:44 PM
To: Casas-Perez, Belkys (ITD)
Cc: Mazzorana, Shanda (ITD)
Subject: FW: IBM Information On Demand 2012 Speaker Waiver - Signatures Required

Please contact COE and determine - in anticipation of Jaci's attendance at the event as a speaker - that the opinion rendered previously applies today. See attached email.

From: Newmark, Jacqueline (ITD)
Sent: Tuesday, July 17, 2012 5:47 PM
To: Poster-Ellis, Dale (ITD)
Cc: Mazzorana, Shanda (ITD); Gray, Gary A. (ITD)
Subject: FW: IBM Information On Demand 2012 Speaker Waiver - Signatures Required

Dale,
I have been selected as a speaker for the upcoming IBM Information On-Demand (IOD) Conference in Las Vegas in October. I spoke at IOD at the 2010 conference. I am requesting permission to forward to IBM the acceptance of the waiver of my conference registration. Attached to this email is:

- 1) Speaker registration waiver for 2012
- 2) Waiver for the IOD 2010 conference
- 3) Email between Carmen and Shanda for the acceptance of the waiver from 2010. As in the 2010 waiver, instead of a Legal Counsel signature, I attached this email.

I am directing this to you since Shanda is out of the office. I need to forward this to IBM by July 25th and register for the conference.

Please contact me to discuss further, if needed.

Thank you.

Jaci Newmark, 2011, 2012 IBM Champion for Business Analytics
IBM Certified Specialist, Administrator - Cognos 8 BI

Enterprise Business Analytics
Miami-Dade County, Information Technology Department
5680 SW 87 Avenue Miami, Fl. 33173
(305) 596-8355
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From: Information On Demand Speaker Info [<mailto:iodspkr@us.ibm.com>]
Sent: Tuesday, July 17, 2012 2:58 PM
To: Newmark, Jacqueline (ITD)
Subject: IBM Information On Demand 2012 Speaker Waiver - Signatures Required

Congratulations on being selected as a speaker for the IBM Information On Demand 2012 conference. One of the benefits of being chosen as a speaker is that, when legally appropriate, you may be entitled to a conference registration waiver.

IBM requires the attached form to be signed by you and your legal counsel prior to the complimentary pass being awarded. This form outlines what IBM will provide you as a customer speaking at the conference. The signature indicates that your company understands what you are receiving and can accept the entitlement we provide.

Please complete and sign the attached form as directed and return it by July 25, 2012.

Respond via email if you have any questions.

(See attached file: Speaker Waiver Miami Dade Newmark.doc)

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E-mail: iodspkr@us.ibm.com