

## Frigo, Victoria (COE)

---

**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, October 31, 2013 11:00 AM  
**To:** Otero, Jose R. (ITD)  
**Cc:** Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** Generic Approval Letter (INQ 13-278)  
**Attachments:** Microsoft offer.pdf; INQ 13-227 Campos.pdf; INQ 13-26 Otero.pdf; INQ 12-79 Otero.pdf

Mr. Otero,

In response to your request for a blanket approval letter regarding accepting gifts and travel expenses from County vendors, our agency is in the process of creating FAQs on these and other topics, which will soon be posted on our website.

In the interim, I'm attaching three ethics opinions on point and will discuss below the issues posed specifically by Microsoft's invitation to attend training in Ft. Lauderdale on Nov. 7, 2013.

ITD employees may accept free training from Microsoft, a County vendor, that is offered locally in Ft. Lauderdale, FL, for the following reasons:

1. Although state law prohibits County employees from accepting gifts from County vendors valued in excess of \$100, state law and the County Code allow County employees to accept training to assist in the performance of their official duties for use solely by the County in conducting its official business. *See Fla. Stat. 112.3148 (2)(f)(4) (2013) and Miami-Dade County Ethics Code at Sec. 2-11.1 (e)(2)(e).*  
  
County employees who accept training to assist in the performance of their official duties have not received a "gift" as defined under the County Code and, consequently, the training need not be disclosed on a County gift disclosure form. *See Miami-Dade County Ethics Code at Secs. 2-11.1 (e)(2)(e) and (e)(4).*
2. Because the training offered by Microsoft, a County vendor, will be conducted locally and does not involve travel, County employees are not prohibited from accepting the training from Microsoft in Ft. Lauderdale. *See Miami-Dade County Ethics Code at Sec. 2-11.1 (w).*

If you have additional questions, please feel free to contact me or my colleague, Gilma Diaz-Greco, Staff Attorney.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

Direct Phone: 305 350-0601  
Main Number: 305 579-2594  
Fax: 305 579-0273



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

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Otero, Jose R. (ITD)  
**Sent:** Monday, October 28, 2013 11:40 AM

**To:** Frigo, Victoria (COE)  
**Subject:** Generic Approval Letter

Microsoft respects your privacy. Review our online [Privacy Statement](#).

NOTICE TO ALL GOVERNMENT AND PUBLIC EDUCATION EMPLOYEES:

To comply with government gift and ethics laws and regulations and Microsoft policy, Microsoft does not provide government employees (military and education) with personal use prizes or other items of value.

We trust you understand Microsoft's desire to ensure that we—and you—[comply with applicable government gift and ethics rules and regulations, which restrict or prohibit public sector \(government or education\) employees from accepting gifts from entities doing or seeking official business with the public sector. A "gift" generally includes meals, giveaways, free software, or other items of value given away free of charge.](#) If you wish to receive any of these items, you must pay market value for them [or provide us with prior written approval from your gifting/ethics officer or responsible attorney.](#)

Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052

Victoria, can I get a blanket written approval letter within the boundaries of our gift/ethics policies to provide these vendors as requested, where it clearly delineates the policy? Our staff is regularly faced with signing waivers for these entities without a true understanding of the policy and its limits; specially for seminars with meals, low cost software or token marketing widgets.

Thank you so much for your help and always candid responses.

Jose R. Otero, ITD Assistant Director  
Office: (305) 596-8409  
Fax: (305) 596-8774  
E-mail - [JRO@MiamiDade.gov](mailto:JRO@MiamiDade.gov)  
Information Technology Department  
5680 SW 87 Ave, Miami, FL 33173