

## Frigo, Victoria (COE)

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**From:** Centorino, Joseph (COE)  
**Sent:** Wednesday, March 06, 2013 4:35 PM  
**To:** Frigo, Victoria (COE)  
**Subject:** INQ - Jean Olin

Attorney Jean Olin inquired, in connection with a gift policy she has been engaged to work on for the City of Miami Beach, whether a discount promotion made available by the Florida Panthers to firefighters would constitute a gift under the County Ethics Ordinance (Section 2-11.1(e)(1)), and, secondly, whether a discount promotion made available to the general public would also constitute a gift pursuant to the County Ordinance. I suggested that a discount made available to a class of public employees would be a gift under the ordinance, since it is something obtained without providing "adequate consideration," considering that the member of the general public would be paying a higher price. The provision of a special price to a designated group also indicates an intent to bestow a gift. It would likely be a gift that could be lawfully accepted, though it would be subject to the reporting requirement in Section 2-11.1(e)(4) if the value exceeded \$100. On the other hand, I suggested that a discount made available to the general public would not constitute a gift under the ordinance since paying the same price as that available to the general public would indicate that "adequate and lawful consideration" would have been paid. Also, the provision of a discount to the general public would indicate solely a sales/marketing strategy rather than an intent to bestow a gift.

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