
Subject: INQ 14-153 - Jose R. Otero, ITD Assistant Director, Miami-Dade County -Ethics Opinion (Gifts)

INQ 14-153

From: Centorino, Joseph (COE)
Sent: Monday, June 23, 2014 2:38 PM
To: Otero, Jose R. (ITD); Diaz-Greco, Gilma M. (COE)
Cc: Sanchez, Rodzandra (COE)
Subject: INQ - Jose R. Otero, ITD Assistant Director, Miami-Dade County (Gifts)

Mr. Otero:

I have reviewed your request and additional information regarding the upcoming Public CIO Technology Summit that is being sponsored by Government Technology, a private magazine publishing company, which provides a free subscription service of professional journals for government. It is not a lobbyist, vendor or contractor in the county. The summit is being held at the Ritz Carlton Biscayne here in Miami-Dade county. The event is by invitation only, which appears to suggest that there is no registration fee or other charge for attendance. The company has offered to pay for meals and a two night stay for you to attend the event. There will be no travel cost inasmuch as the event is taking place locally. The event will primarily benefit the company, which will have access to governmental decision makers for input into its informational resources. Your attendance at this event is not required by the county, and comes as a result of an offer from a private entity. There will, however, be some ancillary benefit to the county from your attendance in that you will have an opportunity to network with other government IT personnel and to gain perspectives on IT policies. There is no apparent nexus between the company's offer and any benefit they are seeking from the county.

Based on the information you have provided, there is no prohibition to your accepting the meals and hotel expenses offered for this Summit. However, it is my opinion that the provisions of a complimentary hotel stay, as well as meals for this event, does amount to a gift pursuant to Section 2-11.1(e) of the County Conflict of interest and Code of Ethics Ordinance. Therefore, in the event that you accept such benefits and the value of those benefits exceeds \$100, then you would be required to file a quarterly gift disclosure form with the County Clerk disclosing those benefits pursuant to Section 2-11.1(e)(4) of the Code. If there is no registration fee for the event, and you would be attending in your county capacity, you would not have to include an admission or registration charge in your disclosure form since your mere attendance at the substantive part of the invitation-only event would not constitute a gift. Also, under such circumstances, if you were to decline the hotel accommodations and meals, or if you only accepted meals valued less than \$100, then you would not need to file the disclosure form.

Please contact us should you have any further questions.

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Otero, Jose R. (ITD)
Sent: Thursday, June 19, 2014 4:47 PM
To: Diaz-Greco, Gilma M. (COE); Centorino, Joseph (COE)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

I have reattached the e-mail from the host of the conference which answers most of the questions which were also posed by State of Maryland.

- but to determine whether it is a gift we need to know something more about who is paying. “We are a magazine publishing company and therefore if you also read our magazine then you are in our system. You have been hand-picked by Alan Cox, Executive Director for Public CIO, as an attendee to come to this invite only event.”
- Who is Government Technology, “We are a magazine publishing company”
- what is their relationship with the county, None, this is a cost free subscription service of professional journals for Government.
- why are they paying for a county employee to attend this? This is just conjecture on my part but I suspect that they need the participation of Government leaders and decision makers in order to have information for viable articles which serve to assist other governmental agencies.
- It would also be helpful to know why it is necessary for him to attend, or what benefit the county is getting from this. – It is not necessary to attend, however, attending will provide the County executive with the ability to network with other government decision makers, on what issues they face, how issues were solved, what works best for them in the IT arena, etc. It provides an opportunity to look at a fresh and external perspective on issues that face all us in public service IT at a relatively low cost (the employee’s time).

Please let me know if you need any additional information.

Thank you for your time and consideration.

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

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 19, 2014 4:19 PM
To: Otero, Jose R. (ITD)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

Thank you- please note that I also sent you an email that detailed questions that Mr. Centorino has about this issue. Your response will assist in completing this inquiry.

From: Otero, Jose R. (ITD)
Sent: Thursday, June 19, 2014 4:12 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Centorino, Joseph (COE)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

Attached is the information I mentioned I would forward to you.
Thank you for your assistance.

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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 19, 2014 3:40 PM
To: Otero, Jose R. (ITD)
Cc: Centorino, Joseph (COE)
Subject: FW: Public CIO Technology Summit - Travel Arrangements

Mr. Otero,

I am referring to you the questions that Mr. Centorino, our Executive Director has asked about this issue. Please send response.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
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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: Centorino, Joseph (COE)
Sent: Thursday, June 19, 2014 3:35 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

I agree he can go, but to determine whether it is a gift we need to know something more about who is paying. Who is Government Technology, what is their relationship with the county, and why are they paying for a county employee to attend this? It would also be helpful to know why it is necessary for him to attend, or what benefit the county is getting from this.

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 19, 2014 3:26 PM
To: Centorino, Joseph (COE)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

Joe,

I received this inquiry from Mr. Otero (details below). I asked him to send me information about this conference which he would like to attend in place of the County CIO. The organization sponsoring the event is not a County vendor. He would not be travelling since the event takes place in Miami, but he would be staying at the hotel and eating meals. It

seems to me that he is not prohibited from attending, but I am not sure if it would have to be disclosed as a gift. Mr. Otero's position is that he is attending in his public capacity and is therefore not a gift. Given the sensitive nature of these issues, I wanted to forward it to you to provide guidance in this matter.

Thanks,
Mimi

Mimi

From: Otero, Jose R. (ITD)
Sent: Tuesday, June 17, 2014 2:08 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

Mimi, I contacted them and they provided me with a response provided to Maryland along the same lines as our inquiry (attached). Based on the rules I have read it would appear that there would be no conflict of interest, however I will await your response.

Additionally the following are links with information about the company sponsoring this event; the first two are the primary company sites, and the last is their sponsored event page which includes the event in question.

<http://www.govtech.com/about/>
<http://www.erepublic.com/about/>
<http://www.govtech.com/events/>

They are "focused exclusively on public-sector innovation for state and local government and education." ... "Through in-depth coverage of IT case studies, emerging technologies and the implications of digital technology on the policies and management of public sector organizations, *Government Technology* chronicles the dynamics of governing in the information age."

We are subscribers of the publications of the organization and from that subscription base the invitations are sent out to participate in these forums. This is an excellent opportunity to network and learn what other governmental entities are doing in the technology arena.

Thank you for your prompt response.

Jose R. Otero, ITD Assistant Director
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5680 SW 87 Ave, Miami, FL 33173

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, June 17, 2014 1:29 PM
To: Otero, Jose R. (ITD)
Subject: FW: Public CIO Technology Summit - Travel Arrangements

Mr. Otero,

As we discussed, please send information about GovtTech, the organization that is sponsoring this event. Also. Please indicate if this is an organization that the County is a member of.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 12, 2014 4:08 PM
To: Otero, Jose R. (ITD)
Subject: RE: Public CIO Technology Summit - Travel Arrangements

Mr. Otero,

In order to respond, I would need some additional information. What would be covered in this case? The admission fee, lunch, anything else? Please advise and give monetary value for each item.

Thank you and best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Ceden, Rachelle (COE)
Sent: Wednesday, June 11, 2014 11:03 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Public CIO Technology Summit - Travel Arrangements

Mimi,

See request below.

*Rachelle Cedeño-Ross
Executive Secretary and
Administrative Legal Clerk
Miami-Dade Commission on Ethics and Public Trust
19 West Flagler Street, Suite 820
Miami, Florida 33130
305-579-2594
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cedeno@miamidade.gov*

From: Otero, Jose R. (ITD)
Sent: Wednesday, June 11, 2014 10:12 AM
To: Ceden, Rachelle (COE)
Subject: FW: Public CIO Technology Summit - Travel Arrangements

Rachelle, can you route this to the correct person, I see that Victoria is no longer there. Thank you.

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From: Otero, Jose R. (ITD)
Sent: Wednesday, June 11, 2014 10:06 AM
To: 'Frigo, Victoria (COE)'
Subject: FW: Public CIO Technology Summit - Travel Arrangements

Hi Victoria, can the County accept this? It's local, they are not selling anything and they are not a vendor of the County. Please advise.

Thank you.

Jose R. Otero, ITD Assistant Director
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Information Technology Department

From: Gina Prioste [<mailto:gprioste@erepublic.com>]
Sent: Tuesday, June 10, 2014 6:23 PM
Subject: Public CIO Technology Summit - Travel Arrangements

Good Afternoon –

We are very happy to hear that you will be joining us at the Public CIO Technology Summit in Miami, FL on July 15th & 16th, 2014! The event will take place at The Ritz Carlton Biscayne located at 455 Grand Bay Drive, Key Biscayne, FL 33149.

Government Technology is happy to cover your roundtrip coach airfare and two nights at the host hotel. Meals will be provided at the conference, including breakfast, lunch, and dinner on Tuesday and breakfast on Wednesday. We will also cover your ground transportation between home airport and Miami International airport. Travel expenses that will not be covered include transportation to and from your home airport and incidentals while traveling.

I will be assisting with the travel arrangements. Before I provide you with flight options, I will just need a few pieces of information:

- Full name as it appears on the traveler's official ID:
- Date of birth in MM/DD/YYYY format (new TSA requirement):
- Preferred city of departure (**your origination city**) and/or airport:
- Arrival city: **Miami International airport**
- Preferred date/time of departure to:
- Preferred date/time for return flight:
- Seat Preference:
- Emergency/mobile phone number for flight notifications:
- Special assistance needed/requests

Once we have confirmed airfare and hotel accommodations, I will provide you with full travel details and more detailed event information.

I look forward to hearing from you! Please feel free to contact me with your travel questions.

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