
Subject: Cecilia Brewer-McDuffie (WASD) Ethics Opinion (Gifts, Section 2-11.1(e)) INQ 14-158

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From: Ethics (COE)
Sent: Friday, June 27, 2014 5:04 PM
To: Brewer-McDuffie, Cecilia (WASD)
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE)
Subject: INQ - Cecilia Brewer-McDuffie (WASD) (Gifts, Section 2-11.1(e))

Ms. Brewer McDuffie:

You have inquired on behalf of yourself and other WASD employees regarding whether it would be permissible to solicit a discounted rate for your group of county employees to join Crossfit, a health and fitness program in Coral Gables. You have stated that Crossfit is not an approved vendor or contractor with the county.

Under Section 2-11.1(e)(3) of the Miami-Dade County Conflict of Interest and Code of Ethics, no county official or employee may solicit or demand any gift. A gift is generally defined as something transferred without adequate and lawful consideration, i.e., something that you either get for nothing or for less than the going rate. The issue here would turn on whether Crossfit has an established program or practice that permits discounts for group rates where a number of persons opt to join together as a group. If Crossfit has such an established practice for group rate discounts, then you and your fellow county employees may apply for such discounted rates, because they are offered to others in similar circumstances and do not constitute a special gift to you as county employees. On the other hand, if it has no such program, then to solicit for a special exception to the existing rate structure for a group of county employees would be in violation of Section 2-11.1(e)(3).

It is my suggestion that in making the inquiry to Crossfit that no reference be made to the fact that you and the others are county employees, but rather that it be couched in terms of an inquiry as to whether there is an existing group discount rate. If the answer is yes, then you and your fellow employees may take advantage of that. If the answer is no, then I suggest that you drop the inquiry. Please feel free to call if you have any questions.

Sincerely,

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

From: Brewer-McDuffie, Cecilia (WASD)
Sent: Wednesday, June 25, 2014 4:17 PM
To: Ethics (COE)
Subject: Opinion Request

I have county employees who are trying to get a group together with a company to receive a discounted rate for "county employees" (or a group rate) for a particular service (see attached). I do not believe this company is an approved vendor or contractor with the county. Is this in any way a conflict and/or a relationship that should be avoided? Please advise.

Cecilia Brewer-McDuffie
Chief, Human Resources
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