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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, December 12, 2014 9:41 AM  
**To:** Sanchez, Rodzandra (COE)  
**Cc:** Sanchez, Christopher (MDPD)  
**Subject:** Christopher Sanchez, MDP (tips-gratuties-gifts) INQ 14-284

INQ 14-284

Mr. Sanchez:

You have inquired regarding provisions under the Miami-Dade Conflict of Interest and Code of Ethics Ordinance that would prohibit a County employee from accepting tips for services performed as a County employee. There are three relevant provisions of the Code on this issue:

- 1) Section 2-11.1(e)(3) prohibits any County official or employee from accepting “any gift for or because of: (a) An official public taken or to be taken, or which could be taken; (b) A legal duty performed or to be performed, or which could be performed...”
- 2) Section 2-11.1(k)(1) prohibits any County employee from receiving “any compensation for his or her services as an officer or employee of the County, from any source other than the County...”
- 3) Section 2-11.1(g) prohibits any County official or employee from using his or her official position “to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter ordained or adopted by the Board of County Commissioners.”

Accepting tips for performing County services could violate any or all three of these ordinances (*see also* County AO 401), which are potentially punishable by non-criminal penalties by the Miami-Dade Commission on Ethics or by criminal misdemeanor charges by the State Attorney. Further, if the tip were to be considered a “quid pro quo” for the services involved, then criminal felony Bribery or Unlawful Compensation charges pursuant to Chapter 838, Florida Statutes could also be applied to the conduct.

Sincerely,

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

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**From:** Ethics (COE)  
**Sent:** Thursday, December 11, 2014 4:28 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** FW: Question regarding gratuity

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**From:** Sanchez, Christopher (MDPR)  
**Sent:** Tuesday, December 09, 2014 3:33 PM  
**To:** Ethics (COE)  
**Subject:** Question regarding gratuity

To Whom It May Concern,

We have recently had a question come up as to where and how an employee's responsibility to decline tips from patrons is officially defined. Could you possibly point me to the relevant ordinance or document where there tips and gratuity are explicitly addressed? Our policy has always been to decline all gratuity but it would be useful to be able to point to the exact wording for future reference.

Thank you!

**Christopher Sanchez**  
**Assistant to the Director, Deering Estate at Cutler**  
Office: 305.235.1668 ext. 227 Fax: 305.254.5866

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