



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


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### MEMORANDUM

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**TO:** Honorable Kevin Marino Cabrera  
District 6 Commissioner

**FROM:** Jose J. Arrojo  
Executive Director  
Commission on Ethics 

**SUBJECT:** INQ 2023-142, Sponsored Travel Costs  
Sections 2-11.1 (w), (g), (e)(4)

**DATE:** October 20, 2023

**CC:** Manuel Orbis, Jr., MBA, District 6 Chief of Staff  
All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts:

The American Swiss Foundation is a tax-exempt non-profit organization ("Foundation"). It describes its mission as bringing together Swiss and American leaders in order to strengthen jointly held national values of rule of law and free enterprise. The Foundation is holding a Young Leaders Conference in Zurich, Switzerland in November 2023 and it has invited you to attend.

You have been invited to participate as one of 25 young American and equal number of Swiss participants at the conference. Invitees will gather to discuss issues of concerns to both countries and will meet with high-level Swiss government officials, business, media, and cultural leaders.

The Foundation's representative advised that it has solicited private corporations to serve as sponsors of this event, and it will be funding your travel and room and board in the same manner as other participants in the conference.

You will be attending the conference in your official capacity representing Miami-Dade County and constituents with the goal of promoting business, educational and cultural exchanges between Switzerland and the County and also promoting local County businesses and trade with that nation.

Issue:

Whether a County Commissioner may accept funds from the American Swiss Foundation, related to participation in a leadership conference, to travel to Switzerland with the goal of promoting educational, and business exchanges between Switzerland and the County.

Discussion:

Section 2-11.1(w) of the Miami-Dade Code, (County Ethics Code) prohibits county officials or employees from accepting, directly or indirectly, any travel expenses, including, but not limited to transportation, lodging, meals, registrations fees and incidentals from any County contractor, vendor, service provider, bidder or proposer, lobbyist or the principal of a lobbyist. This restriction may be waived by a majority vote of the County Commission.<sup>1</sup>

It is reported that the funding entity for the proposed travel to is the American Swiss Foundation. The Foundation is not a County contractor, vendor, service provider, bidder or proposer, lobbyist or the principal of a lobbyist.

Also, sec. 2-11.1(g) of the Ethics Code prohibits public officials from exploiting their official position for private gain or benefit. However, establishing or expanding cultural, educational, and business connections between Miami-Dade County and other nations is objectively a laudable public purpose.<sup>2</sup>

Finally, sec. 2-11.1 (e)(4) of the Ethics Code requires disclosure of any gift having a value of \$100 or more. In this instance, airfare, room and board, meals and beverages would constitute gifts that would have to be reported by filing a copy of gift disclosure forms required by Chapter 112, Florida Statutes, for local officers, with the appropriate receipt entity.

Opinion:

The expressed purpose for the County official's travel to Switzerland at the invitation of the American Swiss Foundation is to participate in the Young Leaders Conference and while there to meet with government officials and business, media, and cultural officials with the goal of promoting educational and cultural exchanges between Qatar and the County and also promoting local County businesses and trade with that nation.

The attending official is an elected Commissioner and will be attending in his official capacity.

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<sup>1</sup> Reliance on the waiver provision contained in sec. 2-11.1(w), Miami-Dade Code, may violate sec. 112.3148, Florida Statutes, relating to prohibited gifts.

<sup>2</sup> See generally INQ 19-10.

The Foundation will pay costs expended by the local official's air travel, room and board, and meals. It is not known to be a County contractor, vendor, service provider, bidder or proposer, lobbyist or the principal of a lobbyist.

The local official will be reporting the costs associated with the travel as a gift expenditure pursuant to the Code of Ethics and applicable state statutes.

Accordingly, Commissioner Marino Cabrera may accept the invitation to travel and allow the American Swiss Foundation to assume the costs associated with the travel to that nation to participate in the activities described herein.

This opinion is limited to the facts as you and County staff presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.