

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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March 23, 2023

Via electronic mail only to expedite delivery:  
Laura@miamibeachfl.gov

Honorable Laura Dominguez  
Commissioner  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Re: INQ 2023-33, Section 2-11.1(e) and (w), County Ethics Code, Gifts and Travel

Dear Commissioner Dominguez:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and for requesting ethics guidance regarding the application of the County Ethics Code to your proposed international travel to Israel to attend an educational seminar and related activities.

#### Facts:

You are an elected Commissioner in the City of Miami Beach, Florida. You have been invited to travel to Israel to attend an educational seminar and related activities. You will be traveling as part of a larger group that will include elected or appointed government officials, employees, or other persons serving in public capacities. The travel, seminar, and activities are sponsored by the American Israel Education Foundation (AIEF) and that organization will be funding some or all of the expenses related to your travel.

The AIEF is a nonprofit charitable organization affiliated with pro-Israel groups and provides educational seminars for elected officials and civic leaders in support of its mission. Notably, for purposes of this opinion, the AIEF is not a City of Miami Beach contractor, vendor, service provider, bidder, or proposer, nor is it the principal of a Miami Beach lobbyist.

Issue:

Whether you may accept a gift consisting of travel related expenses from a charitable organization in order to travel to Israel for an educational seminar and related activities.

Discussion:

1. Gifts

Section 2-11.1(e) of the County Ethics Code governs the solicitation and acceptance of gifts by local government elected officials in Miami-Dade County. That section defines a “gift” as the transfer of anything of economic value without adequate or lawful compensation. Also, it prohibits the solicitation or demand of a gift, or any gift transaction, when connected to an official action or performance of a legal duty by the official.<sup>1</sup>

Consequently, AIEF’s payment of some or all of your travel related expenses to Israel would constitute a gift as defined in the County Ethics Code. However, the *quid pro quo* prohibition in that section would not apply to gifted costs related to an educational program provided by a charitable organization that has no pending interest in any official action that you may have or will be taking as a Miami Beach Commissioner. INQ 2023-23; INQ 18-76; INQ 11-140.

Inasmuch as the travel costs that will be assumed by AIEF are undoubtedly valued at over \$100, you are required disclose the gift to the State of Florida in your quarterly gift disclosure filing.

2. Travel Costs

Section 2-11.1(w) of the County Ethics Code prohibits the acceptance by a local government official in Miami-Dade County of travel related expenses from a County or municipal contractor, vendor, service provider, bidder, or proposer, or the principal of a County or municipal lobbyist. This prohibition would not apply to your proposed travel to Israel because AIEF does not fit into any of these categories of persons or entities that are transacting with the City of Miami Beach.

Opinion:

Based upon the facts presented, your travel and participation in the American Israel Education Foundation’s Educational Seminar in Israel does not violate any provision in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and you may accept that organization’s funds to cover some or all of your travel expenses related to attendance at the seminar or related activities.

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<sup>1</sup> Section 2-11.1(a), Miami-Dade Code (The County Ethics Code provides the minimum standard of ethical conduct and behavior for all municipal officers [including those in the City of Miami Beach] and references in Ethics Code to County officials shall be applicable to municipal officials who serve in comparable capacities to County officials referred to.)

This opinion is limited to the facts as you presented them to the Commission on Ethics, is limited to an interpretation of the County Ethics Code.

Please do not hesitate to contact me should you require any additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arrojo".

Jose J. Arrojo, Esq.  
Executive Director

cc: Rafael Paz, Esq.  
Miami Beach City Attorney

All COE Legal Staff

INQs are 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. 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.