



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Victor Martinez, Human Resources Section Manager  
Miami-Dade Human Resources Department

**FROM:** Nolen Andrew Bunker, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2024-90; Section 2-11.1(w), Prohibition on acceptance of travel expenses from County vendors

**DATE:** May 20, 2024

**CC:** 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 possible conflicts of interest that may arise if you accept pre-payment or reimbursement of lodging and travel expenses to attend an event in Washington, D.C.

#### Facts

You are employed as a Human Resources Section Manager for the Miami-Dade Human Resources Department (“HRD”). Your primary job responsibilities involve supervision of the Benefits Administration Section of HRD.

You advised that you have been invited to attend the Client Advisory Symposium, an event occurring in Washington, D.C., on May 29 and 30, 2024. The event is organized by MissionSquare Retirement (“MissionSquare”), which is “a non-stock, non-profit independent financial services organization governed by an independent board of directors.”<sup>1</sup> MissionSquare was founded in 1972 as ICMA Retirement Corporation (“ICMA-RC”) by a Ford Foundation grant to create equity in access to retirement savings.<sup>2</sup> The invitation e-mail to the event states that the event will be hosted by MissionSquare’s Acting Chief Executive Officer and President at its headquarters to provide a first-hand opportunity to hear about MissionSquare’s top priorities, retirement industry

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<sup>1</sup> *Relationship with ICMA*, ABOUT US, <https://www.missionsq.org/about-us/policies-and-disclosures/relationship-with-icma.html> (last visited May 16, 2024).

<sup>2</sup> *Our History*, ABOUT US, <https://www.missionsq.org/about-us/history.html> (last visited May 16, 2024).

trends, and updates, as well as to provide a chance to meet with their leadership team. The invitation e-mail further offers to fully cover the costs of your attendance at the event, including hotel accommodation and travel costs.

MissionSquare, formerly known as ICMA-RC, does business with the County. Specifically, MissionSquare is one of two entities that are providers to County employees of 457 Individual Retirement Accounts, also commonly referred to as deferred compensation accounts.<sup>3</sup> Specifically, you advised that MissionSquare manages one of the deferred compensation plans for the County pursuant to an administrative services agreement with the County.

### Issue

Whether any prohibited conflict of interest would prevent you from accepting MissionSquare's offer to pay your hotel and travel expenses related to your attendance of its Client Advisory Symposium in Washington, D.C.

### Analysis

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance ("County Ethics Code") provides that no County employee, "shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer." County Ethics Code § 2-11.1(w). The Miami-Dade Board of County Commissioners may waive this prohibition by a majority vote. *See id.*; RQO 15-02 (defining and interpreting how a waiver of may be enacted).<sup>4</sup>

In practice, the Benefits Director and Benefits Supervisor of HRD were not permitted to accept payment for travel to an event hosted by ICMA-RC in Washington, D.C., because ICMA-RC was a County vendor. *See* INQ 17-73.

Here, it is clear that MissionSquare, in its role as a provider of deferred compensation plans for County employees, is a County vendor and/or service provider. MissionSquare has offered to either pre-pay or reimburse you for the costs of travel to and from Washington, D.C., and for the costs of your hotel once there in order for you to attend its Client Advisory Symposium. These are the specific types of travel expenses (transportation and lodging) that County employees are prohibited from accepting from County vendors and/or service providers. *See* County Ethics Code § 2-11.1(w); INQ 17-73. You are, of course, free to cover your own travel expenses to attend this event or, if otherwise consistent with County and HRD policy, HRD may choose to cover your travel expenses to attend this event, assuming it is in furtherance of your County work. However,

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<sup>3</sup> *Deferred Compensation*, BENEFITS, <https://www.miamidade.gov/global/humanresources/benefits/deferred-compensation.page> (last visited May 16, 2024).

<sup>4</sup> However, please note that, regardless of the waiver provision in the County Ethics Code, Florida law provides that persons who are required to file State financial-interest public-disclosure reports may not accept gifts in excess of \$100.00 from vendors doing business with their agency. *See* Fla. Stat. § 112.3148(4)

if you do choose to attend this event at your own expense, or if the County funds your attendance, you may not accept from MissionSquare any lunch or dinner that is part of the Client Advisory Symposium, unless you either pay a registration fee or reimburse MissionSquare for the reasonable value of the meals. *See* INQ 18-184 (County employee attending a free training offered by County vendor IBM in Massachusetts was not permitted to accept free meals at the training); INQ 17-184 (County employee attending an IBM training in New York may not accept free meal vouchers).

### Opinion

Based on the information provided to us at this time, you may not accept payment from MissionSquare of your travel expenses to and from Washington, D.C., nor your hotel or other lodging expenses in Washington, D.C., in order to attend MissionSquare's Client Advisory Symposium because MissionSquare does business with the County such that it is a County vendor and/or service provider. *See* County Ethics Code § 2-11.1(w); INQ 17-73.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

Other conflicts may apply based on directives from HRD or under state law. Questions regarding possible conflicts based on your departmental directives should be directed to your supervisor or the Mayor's Office. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

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 Commission on Ethics 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.