





Memorandum

City Attorney's Office

No. 16-171

To: Mayor John P. "Jack" Seiler

Thru: Cynthia A. Everett, City Attorney 

From: Candace R. Duff, Assistant City Attorney 

Date: June 28, 2016

Re: DEA Educational Foundation Steering Committee Honorary Co-Chair Invitation

You have informed us that you have been invited to serve as an Honorary Co-Chair of the Steering Committee of the DEA Educational Foundation (the "Foundation").

The letter from the Foundation extending the invitation states that your role would be an honorary position only that does not entail membership or service on the Foundation's board of directors or any fiduciary responsibilities. The letter also states that you will not be asked to sign any fundraising letters or to solicit donations. Given these parameters, we do not find an ethical conflict under either the State Code or the Broward Code of Ethics.

Please note that only The Florida Commission on Ethics is authorized to give binding opinions on the Florida Code of Ethics for Public Officers and Employees on which you may rely.

The only rules pertaining to public officials' involvement with respect to charitable foundations are the state statutory conflict of interest rules under Sections 112.313(3) and (7), Florida Statutes (2015), which apply to public officials' employment and conflicting relationships, and Section 1-19(c)(5)a. of the Broward Code of Ethics for Elected Officials, which pertains to charitable fundraising.

Since the honorary position will not entail being employed by or receiving compensation from or serving as a director of the Foundation, the state statutory rules do not apply. Moreover, since you are not being asked to solicit charitable contributions on the Foundation's behalf, Section 1-19(c)(5)a. of the Broward County Code does not come into play.

If you are, at some point, asked to solicit funds on behalf of the Foundation, you should know that, pursuant to Section 1-19(c)(5)a. of the Broward County Code, the solicitation of funds by an elected official for a non-profit charitable organization (we confirmed that the Foundation is a tax-exempt organization that is eligible to receive tax-deductible charitable contributions) is permitted so long as there is no *quid pro quo* or other special consideration sought by or provided to the elected official. You would be required to disclose the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that may have promoted the solicitation, on a form provided by the Broward County Attorney's Office, and file the form for public inspection.

Please do not hesitate to contact me if you have any questions.

CRD:mr