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**MEMORANDUM**

**TO:** Senator Nan H. Rich

**FROM:** Andrew J. Meyers, Chief Deputy County Attorney

**DATE:** March 8, 2017

**RE:** **Offer of Tickets to “Women of Distinction” Event  
CAO File: 17-03E (Gifts)**

Last week, former County Commissioner Ilene Lieberman, your personal friend for many years, invited you to attend a “Women of Distinction” breakfast event honoring her, which was held by the Lauderhill Chamber of Commerce. You accepted the invitation, and sat at Commissioner Lieberman’s table with members of her family and some of her other friends. You have asked whether you now have any reimbursement or gift disclosure obligation. For the reasons stated below, you do not have either a reimbursement or gift disclosure obligation.

Under the state and County codes of ethics, there are two primary restrictions on the acceptance of gifts. The first is that no gift may be solicited or accepted if it may reasonably be perceived to have been given to encourage you to take any action in your official capacity. Section 112.313(4), Florida Statutes (2016). The second restriction caps the value of gifts that may be accepted from certain donors.

Under Section 112.3148(4), Florida Statutes, absent any applicable exception (none is applicable here), County Commissioners are “prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the [County] . . . or [from] a lobbyist who lobbies the [County Commission] or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100 . . . .” Under state law, gifts exceeding \$100 in value may be accepted from most other sources, but such gifts must be disclosed on a quarterly basis. Section 112.3148(8)(a), Florida Statutes (2016).

The County ethics code is far more restrictive where a prospective donor lobbies or has business dealings with the County. Essentially, with few exceptions, a Commissioner may only accept from a lobbyist or vendor a gift worth up to \$5. Section 1-19(c)(1), Broward County Code of Ordinances. However, as under state law, if the gift is from a friend who neither lobbies nor does business with the

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County, and is given and received purely in a personal capacity, there is no dollar cap on the amount of a gift which may be accepted.

We have checked our applicable databases and have determined that Commissioner Lieberman (we have also checked under Ms. Michelson, as she is known in the legal community) is not a County vendor, contractor, registered lobbyist, or principal or employer of a lobbyist (her most recent lobbyist registration expired in June 2015). Because of your longstanding relationship, we view her invitation to be a gift offered to you in your personal capacity. Accordingly, under applicable law, you were permitted to accept the invitation and do not have any reimbursement obligation. Additionally, because the stated value of the breakfast was \$75, you do not have any gift disclosure obligation (which is applicable only to permissible gifts exceeding \$100 in value).

If we may be of further assistance regarding this matter, please let us know.

/s/ Andrew J. Meyers  
Andrew J. Meyers  
Chief Deputy County Attorney