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**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

GCDE ETHICS ADVISORY OPINION

To: Mayor Jack Brady

From: Samuel S. Goren, City Attorney *SSG*
Jacob G. Horowitz, Assistant City Attorney *JGH*

Date: March 10, 2017

Re: City of North Lauderdale (“City”) / Code of Ethics – Advisory Opinion

I. ISSUE AND FACTS PRESENTED

You have been invited to attend a surprise birthday party for your colleague Commissioner Samson Borgelin. The invitation was offered by Commissioner Borgelin’s wife. The event is being held on March 11, 2017 at Inverrary Country Club (the “Event”). Ms. Borgelin has advised that the event is not being catered and that the value of any food and beverage being offered to attendees is less than \$50.00 per person.

You have asked the City Attorney to provide you with an advisory opinion examining whether the Broward County Code of Ethics for Elected Officials (“Code of Ethics”) permits you to accept the invitation to attend the Event.

II. ANSWER

Based on the information provided, the invitation to attend the Event would constitute a “gift” in your official capacity. The Broward County Code of Ethics for Elected Officials (“Code of Ethics”) provides a fifty dollars (\$50.00) limit on gifts given to elected officials in their official capacity. Since the value of the gift will not exceed this amount, you are **legally permitted** under the Code of Ethics to accept the invitation to attend the Event.

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Please reply to Fort Lauderdale Office

Fort Lauderdale Office
3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

Delray Beach Office
76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

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III. ANALYSIS

The Code of Ethics expressly incorporates the definition of “gift” from Section 112.312, F.S. Section 112.312(12)(a)(8), F.S., specifically includes “food or beverage” within the definition of gift. Therefore, the invitation and meal provided at the Event **is a gift** under Florida law and the Code of Ethics.

It is our opinion that the invitation and gift is being offered in your official capacity. But for your position as a public officer, you would likely not have been invited to the Event.

Section 1-19(c)(1)(b) of the Code of Ethics expressly provides, in relevant part, as follows:

Elected Officials may accept gifts from other sources given to them in their **official capacity**, where not otherwise inconsistent with the provisions of Chapter 112, Part III, Florida Statutes, up to a **maximum value of \$50.00 per occurrence**. Gifts given to an Elected Official in his or her official capacity up to \$50.00 in value are deemed to be *de minimis*.

For purposes of this section, “other sources” are those sources which **are not** City vendors, lobbyists and/or contractors. Neither Commissioner Borgelin nor his wife is a lobbyist, vendor or contractor of the City. Therefore, the invitation is being offered by an “other source;” and, as an elected official, you may legally accept a gift from the Commissioner’s wife up to a maximum value of \$50.00. You have indicated that the event is not being catered and the value of the food and beverage at the event will not exceed \$50.00 per person. Therefore, the invitation to the Event **is a legally permissible gift** under the Code of Ethics.

IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney’s Office that you **are legally permitted** to accept an invitation to attend the surprise birthday party for Commissioner Samson Borgelin.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Code of Ethics, and may be relied upon by the individual who made the request. This analysis is limited solely to the facts presented. Within fifteen (15) days of receiving this opinion, a copy must be sent in a searchable “pdf” format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions maintained by the County.

Please contact our office if there is any additional information that we can provide.