



Memorandum

To: Mayor Michael J. Ryan
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: March 23, 2017
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2017-01

On March 17, 2017, Rick Case, who has been the principal of a lobbyist for the City and whose company has been a party to a Developer's Agreement, sent you an email forwarding an invitation from the Broward Workshop to attend the 9th Annual State of the County Forum on March 31, 2017. The Broward Workshop is a 501(c)(4) organization and bills this event as the "State of the County Forum" which includes a keynote speech from the Broward County Mayor. The event is an educational forum which is free to invited guests although the cost of the breakfast is \$25. By his March 18, 2017 email, Mr. Case confirmed to you while he is hosting a table, the invitation was provided by the Broward Workshop and that he did not pay anything for it. Based on this information, it is my opinion that the donor of this event is the Broward Workshop. The following language in the invitation reinforces that the invitation comes from the Broward Workshop:

Elected Officials, Please Note: The Broward Workshop is a 501(C)(4) organization that does not hire lobbyists nor is vendor to Broward County or any of our 31 municipalities. Furthermore, this event is totally funded by the Workshop, without any sponsorships. Therefore, elected officials can attend free of charge because "The County's ethics ordinance states that county and city elected officials can accept up to \$50 in food and beverages per event as long as it is reported. The cost of this breakfast is \$25".

(Italics, underlining, and quotation in original).

You have asked whether you may accept the invitation for the Broward Workshop event, and, if so, whether you have any disclosure or reimbursement obligation. For the reasons stated below, it is my opinion that you may accept the Broward Workshop invitation and that you have no obligation to disclose it or reimburse Broward Workshop.

Section 1-19(c)(1) of the Elected Official Code of Ethics contains certain restrictions on the acceptance of gifts. Elected officials are prohibited from accepting gifts with a value in excess of \$5.00 from contractors, vendors, potential suppliers of the governmental entity, lobbyists and principals of lobbyists. Section 1-19(c)(1)a. of the County's Code.

Section 1-19(c)(1)b. allows elected officials "to 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."



Mayor Ryan
March 23, 2017
Page 2

Finally, Section 1-19(c)(1)d. allows admission tickets to charitable events available to the public to be accepted upon certain disclosures being filed and reimbursement for the value of food and beverages consumed.

City departments have checked the City's applicable databases and have confirmed that the Broward Workshop is not the City's vendor, contractor, lobbyist, or principal or employer of a lobbyist.

Because you have been invited to the Broward Workshop in your official capacity and the gift from the Broward Workshop is valued at less than \$50, it may be accepted without any reimbursement obligation.

While the invitation stated that elected officials are required to report the food and beverages they consume at this event, Section 1-19(c)(1)d. requires disclosure and reimbursement for tickets for charitable events available to the public. As attendance is not available to the public, it is my opinion that Section 1-19(c)(1)d. does not apply and that you do not have to disclose the receipt of the invitation and that you do not have to reimburse the donor (Broward Workshop) for the value of the food and beverages consumed.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Elected Official Code of Ethics and may be relied upon by the individual who made the request. In researching this request, I have reviewed applicable law and three (3) opinions regarding this 2016 and 2017 Broward Workshops (Broward County opinion CAO File 17-01E (Gifts) issued to Vice-Mayor; the Weiss Serota March 17, 2016 opinion issued to a Weston Commissioner; and the March 15, 2016 John Hearn opinion to the Coral Springs Mayor).

Please contact me if there is any additional information that I can provide. I will provide a copy of this advisory opinion in a searchable "pdf" format to ethicsadvisoryopinions@broward.org within 15 days to ensure your compliance with Section 1-19(c)(8)c. of the Elected Official Code of Ethics.