



Memorandum

To: Mayor Michael J. Ryan
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: September 5, 2017
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2017-04

Broward County ("County") invited you to a "Meet & Greet" at the BB&T Center on Wednesday, August 30, 2017 for a reception for shortlisted candidates for the Real Estate Development Director who will ultimately be responsible for the long term development of the BB&T Center site. The reception involved hors d'oeuvres and drinks. The City Manager had been advised before the reception that the reception was for invitees only, that the County invited more than 25 attendees, and that the County estimated that the food and beverages would be around \$30 per person. The County has confirmed that the County is paying for the reception.

You have asked whether your attendance at the Meet & Greet reception results in any disclosure or reimbursement obligation.

In an effort to facilitate this opinion prior to the reception, I asked the County to confirm that the cost per person would be less than **\$50**. At the time of the reception, I had not received that confirmation. However, on August 31, 2017, the County confirmed that the per person cost was \$36.65.

Based on the cost per person being less than \$50, it is my opinion that your attendance at the Meet & Greet reception does not trigger an obligation to disclose it or reimburse Broward County.

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 lobbyists, principals of lobbyists, vendors or contractors. Section 1-19(c)(1)a. of the County's Code. That same subsection expressly provides that Broward County shall not be considered a registered lobbyist, principal or employer of a registered lobbyist or a vendor or contractor of any governmental entity within Broward County. Accordingly, you may accept a gift in excess of \$5.00 from the County.

However, 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."



Because you attended the Meet & Greet reception in your official capacity as an elected official, it is my opinion that the gift was an official capacity gift whose value is deemed to be *de minimis* under the County's Code. It may be accepted without any reimbursement or disclosure obligation.

Section 10-20 of the City's Code has a \$25 gift limitation which is waived for ceremonies or social gatherings at which meals are consumed and to which 25 or more persons have been invited. The City Manager has said he was told that more than 25 people were invited. Accordingly, there was no prohibition on you attending the reception under the City's Code.

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. It is limited to the facts and based on the assumptions set forth in this opinion. In the event any of the facts or assumptions are not accurate, please provide me with correct information.

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.