



Memorandum

To: Mayor Michael J. Ryan
From: Kimberly A. Kisslan, City Attorney *KK*
Date: October 27, 2017
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2017-05
Revised

The Consul General of Jamaica at Miami in collaboration with Mr. Mark Douglas, Commissioner of the City of Sunrise, invited you and a guest to the 2017 Jamaican Diaspora Honours and Awards (2017 JCG Awards) on Saturday, October 28, 2017 at the Sunrise Civic Center Theater. The Consul General has advised that the 5 event sponsors are the Consulate General of Jamaica, The Victoria Mutual Building Society, the Jamaica Tourist Board, the Thelma Gibson Health Initiative, Inc., and the Academy of Neurosurgical Physicians, Inc. The Consul General has advised that the "cost of the event, without charges for the facility, remains at \$5,000." The City Manager's Office has advised that the value of the rental of the Sunrise Civic Center Theater is \$2,000 which the City has donated or waived. In calculating the cost of the event, the Consul General has advised that the City should use the seating capacity of 299 for the number of invitees, that the event is open to the public but that there are tickets due to the seating capacity, and that the Consul General expects 150 to 200 attendees.

You have asked whether your attendance and that of a guest at the 2017 JCG Awards event results in any disclosure or reimbursement obligation. For purposes of this analysis, you have asked me to use a conservative number of 150 invitees.

In Commission on Ethics opinion CEO 16-10, the Commission on Ethics analyzed a private, invitation-only function where no tickets were available for sale. In that case, sponsors of the event contributed monetary donations and received a corresponding number of tickets. The tickets permitted attendance and reflected no face value. Pursuant to Florida Statutes section 112.3148(7), the Commission on Ethics calculated the total cost of all food, beverages and entertainment associated with the event and divided the total cost by the number of guests invited to attend the event.

Here, the total cost of the event is \$7,000 with a cost per person based on 150 invitees of \$46.67. City staff (Purchasing, City Clerk, Leisure) have reviewed their records and advised that the 5 event sponsors identified above are not lobbyists, principals of lobbyists, vendors or contractors of the City. The value of 2 tickets would be \$93.34 based on the information provided. It is my opinion that your attendance at the 2017 JCG



Awards does not create a disclosure requirement but that it does create a reimbursement obligation under Broward County's Elected Official Code of Ethics for any amount in excess of \$50. The basis for my opinion follows.

State Law: Florida law requires reporting of gifts worth over \$100 on a Form 9 Quarterly Gift Disclosure. It excludes gifts from relatives (as defined in the statute) from the disclosure requirement. Florida law prohibits the acceptance of gifts worth over \$100 from lobbyists or vendors. Section 112.3148(4), Fla. Stat. The value of 2 tickets (\$93.34) is less than \$100, and the 2 tickets are not from a lobbyist or vendor. The gift is neither reportable nor prohibited under state law.

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 from lobbyists, principals of lobbyists, vendors or contractors. Section 1-19(c)(1)b. of the Elected Official Code of Ethics 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." The Elected Official Code of Ethics addresses tickets to charitable events open to the public, but there are no facts provided to indicate that the 2017 JCG Awards is a charitable event. Under Florida law, "gifts" do not include anything for which equal or greater consideration is given by the recipient within 90 days. Section 112.312(12)(a), Fla. Stat. The gift is not from a lobbyist, principal of a lobbyist, vendor or contractor and is not prohibited under the Elected Official Code of Ethics. You are permitted to accept a gift up to a maximum value of \$50 in your official capacity, but the value of the gift over \$50 must be reimbursed within 90 days of the receipt of the gift under the Elected Official Code of Ethics.

City Ethics Code: Section 10-20 of the City's Code has a \$25 gift limitation where the gift was intended to influence an employee in the performance of his official duties or was intended as a reward for any official action on his part. This limitation, however, does not apply to ceremonies or social gatherings at which meals are consumed and to which 25 or more persons have been invited. I do understand from City staff that there will be some food and beverages. As more than 25 persons have been invited and there is no indication the gift was to influence you or reward you, I do not see a prohibition under City Code. It is not reportable under City Code.

This revised advisory opinion replaces Advisory Opinion 2017-05 with today's date. It 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 for purposes of the Broward County Elected Official Code of Ethics. 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.