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**MEMORANDUM**

**TO:** Commissioner Tim Ryan

**FROM:** Rocio Blanco Garcia, Assistant County Attorney

**DATE:** December 4, 2017

**RE: Attendance at City of Pembroke Park Holiday Lunch  
CAO File: 17-12E**

You have inquired as to whether you may attend a holiday lunch to which you were invited by the City of Pembroke Park ("City"). Specifically, you would like to know whether you have any reimbursement obligation where you were invited to the lunch in your personal capacity as partner for The Law Offices of Ryan & Ryan, LLC, which provides outside counsel services to the City. The majority of the outside counsel services are provided by your brother, Christopher Ryan, and the City is not within your Commission District. If you have any reason to believe that any of these facts are not accurate or have changed, please let us know, as different facts may affect our opinion.

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), Fla. Stat. The second restriction caps the value of gifts that may be accepted from certain donors.

**Florida Law:**

Under Section 112.3148(4), Florida Statutes, absent any applicable exception, 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 . . .". A "vendor" is defined as a "business entity doing business directly with an agency [ . . .]." § 112.3148(2)(f), Fla. Stat.

A public officer may accept a gift from a municipality with a value in excess of \$100, if a public purpose can be shown for the gift. *Id.* at 112.3148(6)(b). Additionally, a public officer may accept a gift from a non-lobbyist or vendor, regardless of value and regardless of whether a public purpose exists, provided that, if the value of the gift exceeds \$100, the public officer discloses such gift in a form 9 disclosure form. See § 112.3148(8)(a).

**County's Code:**

Under the County's Ethics Code, Commissioners cannot accept any gift, directly or indirectly, from a lobbyist, principal of a lobbyist, contractor, or vendor, which gift exceeds \$5. Florida's definition of "gift" applies when interpreting the County's Ethics Code. For purposes of the gifts provision of the County's Code, "Broward County, any municipality within Broward County, or any other governmental entity shall [not] be considered a registered lobbyist, a principal or employer or a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County." § 1-19 (c)(1)(a), Broward Cnty. Code of Ords.

If an entity is not a lobbyist, principal of a lobbyist, contractor, or vendor, then there is a \$50 limitation if the gift was received in an elected official's official capacity and no limitation if the gift was received in an elected official's personal capacity. *Id.* at § 1-19(c)(1)(b)-(c).

**Analysis:**

Although Pembroke Park is a municipality, because you are receiving the gift in your personal capacity as partner in a law firm that provides counsel for the city, there is no public purpose for the gift. As such, 112.3148(6)(b) does not provide a basis for you accepting the lunch. However, because there is no indication that the lunch is being offered to you in an attempt to influence your official position on a matter, and the City is neither a vendor (it is not a business entity) nor lobbyist under Florida law, your acceptance of the lunch would not be in violation of the Florida Ethics Code. Notwithstanding, in the unlikely event the lunch has a value in excess of \$100, you would have to disclose same in a form 9 disclosure. Alternatively, if the value of the lunch exceeds \$100 and you do not wish to disclose same, you must provide sufficient reimbursement to reduce the value of the lunch to \$100 or less.

Under the County's Code of Ethics, you may freely accept the lunch without incurring any reimbursement obligation. Because the City is not considered a vendor, contractor, lobbyist, or principal of a lobbyist, the \$5 limitation does not apply. Additionally, because you are being invited to the lunch in your personal capacity as partner at a law firm that

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provides counsel to the City and not in your official capacity as County Commissioner, you may accept the lunch regardless of value.

In conclusion, while both the Florida Code of Ethics and the County's Ethics Code allow you to accept the lunch from the City without incurring a reimbursement obligation, in the event the unreimbursed value of the lunch exceeds \$100, Florida law requires that you file a form 9 disclosure.

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



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Rocio Blanco Garcia  
Assistant County Attorney

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c: Andrew J. Meyers, Broward County Attorney