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MEMORANDUM

TO: Commissioner Michael I. Udine

FROM: Rocio Blanco Garcia, Assistant County Attorney

DATE: January 31, 2018

**RE: Reception to Honor India's Ambassador to the United States
CAO File: 18-01(E)**

You have inquired as to whether you have any reimbursement obligations resulting from your January 31, 2018 attendance at a reception to honor H.E. Mr. Navtej Singh Sarna, India's Ambassador to the United States. You were invited to the event by the Consulate General of India to the Southeast U.S, Ramola Motwani, and U.S. Congressman Ted Deutch (collectively "Donors"). Advanced Roofing is among the event sponsors and provided funds to help defray the cost of the event.

At the reception, Ambassador Sarna is expected to speak about the India-United States Global Strategic Partnership with a focus on the growing economic and commercial relations. Food and drinks will be offered at the event, which had a total per-person cost of \$52. If you believe that any of these facts are not accurate, please let us know, as different facts may affect our analysis.

A search of our databases has revealed that none of the individuals who invited you to the event are County vendors, contractors, lobbyists, or principals of lobbyists. However, at least one of the event sponsors, Advanced Roofing, is a county vendor and the principal of a lobbyist.

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 . . .”. Florida law does not impose a limitation on gifts from other sources.

Florida law defines a gift as “that which is *accepted* by a donee . . . for which equal or greater consideration is not given within 90 days.” § 112.312(12)(a), Fla. Stat. (emphasis added)

County’s Code:

Under the County’s Ethics Code, with limited exceptions, Commissioners cannot accept any gift, directly or indirectly, from a lobbyist, principal of a lobbyist, contractor, or vendor, which gift exceeds \$5. With respect to gifts from other sources, Commissioners may not accept anything given to them in their official capacity which value exceeds \$50.

Florida’s definition of “gift” applies when interpreting the County’s Ethics Code.

Analysis:

Because there is no indication that the invitation to the reception was extended in an effort to influence your decisions as a County Commissioner, the invitation is not a gift given for an improper purpose. Additionally, because the invitation was extended by individuals who are not lobbyists, principals of lobbyists, vendors, or contractors and the per-person cost of the event was below \$100, your attendance at the reception does not raise any issues under Florida law.

The County’s Code prohibits the acceptance in your official capacity of anything in excess of \$50 (excluding nonalcoholic beverages) from sources other a lobbyist, a principal of a lobbyist, a vendor, or a contractor. However, it is our opinion that at least \$2 from this \$52-per-person event is attributable to the cost of nonalcoholic beverages. As such, you do not have a reimbursement obligation for your attendance at the reception.

Please note that although Advanced Roofing is a County vendor and the principal of a lobbyist, it is our opinion that Advanced Roofing’s sponsorship constitutes a gift to the Donors, not to you. That is, any funds provided by Advanced Roofing were for the purpose of helping the Donors defray some of the costs they would have had to otherwise

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assume. As such, the \$5 limit applicable to gifts from lobbyists and vendors is not applicable to this set of facts.

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



Rocio Blanco Garcia
Assistant County Attorney

RBG/ab

c: Andrew J. Meyers, Broward County Attorney