


MEMORANDUM

TO: Senator Steve Geller

FROM: Anthony C. Halmon, Assistant County Attorney 

DATE: August 8, 2018

RE: **Invitation to Attend Family Central's Annual Fundraising Gala**
CAO File: 18-09(E)

You have inquired as to whether you would have any reimbursement obligation if you choose to attend Family Central's annual fundraising gala on October 27, 2018 ("event"), to which you and a guest were invited by Dr. Barbara-Ann Weinstein, President and CEO of Family Central. During the event, you and the Broward County Board of County Commissioners will be honored for your continued support to the children and families in Broward County. The event is open to the public at a price of \$130 per person, comprised as follows. Based on our understanding of the facts, after making inquiry of Family Central, the food and beverage cost is \$50 per person. \$22 of the \$130 cost is an imbedded charitable contribution. \$29 represents the entertainment cost; \$24 is for event coordination; and \$5 is for printing/postage. You are not required to independently inquire, but 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 might 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(2), Fla. Stat. The second restriction caps the value of gifts that may be accepted from certain donors.

There is no indication that the invitation to the event was offered in an attempt to influence your official position on a matter, and, as such, the first restriction is not applicable here. Because Family Central is not a County vendor, contractor, lobbyist, or principal of a County lobbyist, there are no restrictions on the value of gifts that may be accepted from Family Central under state law. However, the County code is more limiting with regard to acceptance of gifts.

Under the County's code, Commissioners may accept gifts in their official capacity that do not exceed \$50 from donors other than County vendors, contractors, lobbyists, or principals of County lobbyists. Section 1-19(c)(1)(b), Broward County Code of Ordinances. Notwithstanding the foregoing restriction, the County code allows

Senator Steve Geller
August 8, 2018
Page 2

Commissioners, to the full extent permissible under state law, to accept admission tickets to charitable events available to the public, provided that the Commissioner (1) within 15 days after receiving such tickets, files for public inspection a public disclosure form stating the name of the donor, the value of the tickets, and the date and location of the event; and (2) within 30 days after the event, reimburses the donor for the value of food and beverages consumed at the event. Section 1-19(c)(1)(d)(4), Broward County Code of Ordinances.

The gross value of the gift, per admission ticket, is \$108 (as the imbedded contribution may be deducted from the value when the gift is provided directly by the charitable organization). Under the County code, with the required disclosure, you would be required to reimburse the donor \$50 per ticket (the value of food and beverages). After making this reimbursement, you would have received a gift valued at \$58 per ticket. If you accept two tickets (reimbursing \$100 for the food and beverage cost of both persons), you would have received a gift valued at \$116. Because this exceeds \$100, you would also be required to disclose the gift on a state Form 9, which requires the quarterly disclosure of all gifts valued above \$100 received in a calendar quarter. This form would not be required if you were to accept only one ticket, or if the donor were reimbursed an additional sum to bring the gift value down to \$100.

In summary, you may accept the tickets if you file the disclosure required under the County code, reimburse \$50 per ticket, and file the Form 9 if you accept both tickets.

You may use office account funds to satisfy your reimbursement obligation if you attend the event, but we advise against using office account funds to satisfy any reimbursement obligation associated with bringing a guest. Section 106.141(5), Fla. Stat.

Finally, because this event is being held for fundraising purposes, if your name is listed on the invitation (whether or not you attend), please also file a Charitable Contribution Fundraising Disclosure Form.

The County Attorney, Assistant County Attorney Neil Sharma, and I are available to answer any questions regarding this matter, including with regard to the required disclosure(s). If we may be of further assistance, please let us know.

- c. Andrew J. Meyers, County Attorney
Rocio Blanco Garcia, Assistant County Attorney
Neil Sharma, Assistant County Attorney