



954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Vice Mayor Mark Bogen

FROM: Neil Sharma, Assistant County Attorney

DATE: August 8, 2018

RE: **Invitation to Speak at Port Everglades Association Luncheon on Friday, August 10, 2018**
CAO File: 18-08(E)

Based on printed information we have received, it appears you might attend and present at an upcoming Port Everglades Association ("Association") luncheon on August 10, 2018, to which you were invited by the Association. Specifically, your presentation would focus on the upcoming election. The general cost per person to attend the luncheon is \$40. If you have any reason to believe any of these facts are not accurate, please let us know as different facts might affect our opinion. For the reason stated below, it is our opinion that you may accept the invitation and do not have any reimbursement obligation.

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. See § 112.313(4), Fla. Stat. The second restriction caps the value of gifts that may be accepted from certain donors, including vendors. The second restriction must be analyzed here because a search of our databases has revealed that the Association is a County vendor.

Under Section 112.3148(4), Florida Statutes, County Commissioners may accept gifts from vendors up to a value of \$100. The County ethics code is far more restrictive, capping the value that may be received from vendors at \$5. §1-19 (c)(1)(a), Broward Cnty. Code of Ords.

However, under state law (which is also applicable to the County code), payment of expenses related to an honorarium event (an event during which the recipient makes a speech or substantive presentation) is not considered a gift. § 112.312(12)(b)(3), Fla. Stat. Because you will be making a substantive presentation at the luncheon, the payment of your admission (including food and beverages) does not constitute a gift and may permissibly be accepted.

Although you will not be receiving a gift and therefore have no reimbursement obligation, state law requires the Association to provide you with a statement listing the expenses it

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paid within 60 days after the luncheon. § 112.3149(5), Fla. Stat. If you accept the invitation, you would be required to file a state Form 10 disclosing the payment of these expenses (and attaching the statement provided by the Association) at the same time you file your subsequent Form 6 (to be filed in 2019).

In the event other County Commissioners attend the event, in order to avoid any arguable Sunshine Law violation, please refrain from making comments addressing or responding to any comments made by other attending Commissioners if the comments potentially relate to matters that might come before the Board of County Commissioners.

Please let us know if we may be of further assistance regarding this matter, including with regard to the Sunshine Law or your filing of the Form 10.



Neil Sharma
Assistant County Attorney

NS/ab

c: Andrew J. Meyers, Broward County Attorney