



WEISS SEROTA HELFMAN
COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

TO: VICE MAYOR STACY KAGAN

FROM: ANDREW S. MAURODIS, CITY ATTORNEY

DATE: OCTOBER 1, 2018

RE: BROWARD COUNTY ETHICS CODE ADVISORY OPINION

You have requested an Advisory Opinion under The Broward County Ethics Code. I have set forth your opinion request in full. My opinion is based upon the facts set forth in your request. Your letter reads as follows (the invitation you received is in **bold**):

Hi Andy,

Please read details below.

I have been asked to speak at a conference in Israel at the Jewish Federation of North America in regards to the February 14th tragedy at Stoneman Douglas High School. I am requesting an Advisory Opinion from you under the Broward County Ethics Code.

The invitation reads as follows:

Stacy,

I hope that this email finds you well.

I know how busy you are, but I hope that you can find a few minutes to respond in the coming days since I am reaching out to you on a time-sensitive and important matter.

In less than one month the Jewish Federations of North America (JFNA) will be holding its annual conference in Israel. JFNA is the umbrella organization that

oversees Jewish Federations across the United States and Canada. During the conference they typically highlight stories of interest to the conference attendees, which include men and women who are Jewish professionals and community members and other supporters.

My firm Red Banyan has worked with JFNS for years, providing consulting support on a range of communications projects. They approached me recently to see if they could enlist my help bringing to life the story of the Israel Trauma Coalition (ITC) and its efforts in Parkland following the shooting at Douglass. The Jewish Federation has supported the ITC with funding, so they want to tell the story of how Parkland was assisted in the aftermath of the tragedy by an organization they never thought would have to do its work back here at home.

JFNA would like to invite you to attend their conference in Tel Aviv next month, and to invite you to deliver very brief remarks that speak to the emotional challenges that the Parkland community faced following the shooting and to speak about how it felt to receive an outpouring of support from all across the world, and Israel specifically.

Given that the conference is in Israel, JFNA was hoping to find a Jewish leader in Parkland to come to the Conference and appear in one of the plenary sessions at which all the delegates will be in attendance.

I spoke to them about you, your ongoing efforts as Vice Mayor, and how you brought together rabbis from across the political spectrum as well as other clergy for the powerful vigil after the shooting. They are also aware of how you traveled to Washington alongside the Douglas drama students for the March for Our Lives in Washington.

As a fellow Parkland resident, I am heartened that Parkland and the support it has received from Israel will take center stage at this international gathering. I hope that you will be able to accept his invitation and attend the three-day conference. JFNA will cover the costs of travel, lodging, meals, conference registration, etc. so you should not expect to incur any significant financial costs related to this trip.

Please let me know as soon as you can if you will be able to accept this invitation and appear at the conference, which is taking place Oct. 21-23.

Thank you,

Evan



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I would like to attend and represent the city as invited. The conference is Oct 21st to the 23rd. They are offering to pay for my air travel, hotel, meals and attendance at the conference. Depending on flights I may have to travel a day or so prior or after and I will pay for anything relating to additional hotel, food, etc...which is not directly related to attendance at the conference. I will be attending the conference and be a speaker on how our community is coping with the tragedy. I have some pressing family matters and my goal is to get back to Parkland as soon as possible.

I would like for my husband Richard to travel with me and we will personally pay for his expenses.

Please advise.

Best, Stacy

Stacy Kagan

Vice-Mayor

City of Parkland

ADVISORY OPINION

Dear Vice Mayor Kagan

I have reviewed your request for an Advisory Opinion (as set forth above) pursuant to the Broward County Ethics Code. Essentially, the question relates to an invitation for you to attend and speak at the Jewish Federations of North America (“JFNA”) Annual Conference in Tel Aviv. As part of the invitation, JFNA has agreed to pay your travel costs, lodging, meals, and conference fees.

You inquire as to whether this would constitute an unlawful gift under subsection (C) (1) of the Broward County Ethics Code (the “Code”). As an elected official, you are prohibited from accepting a gift over \$5 dollars in value from a lobbyist, contractor, or vendor of the City or a gift from a non-relative valued at over \$50 dollars where the gift is given to you in your official capacity. In this case the donor is not a contractor, vendor, or lobbyist. However, since the payment of your travel,

lodging and meals has a value over \$50 dollars and is given to you by a non-relative in your official capacity, the gift restriction in the Code must be considered.

Under the Code, "gift" is not defined, but the Code provides that we are to refer to the definitions set forth in Part III of Chapter 112, Florida Statutes. The definition of "gift" under state law is found in Section 112.312, Florida Statutes. It is my opinion that the payment of your expenses as set forth in your opinion request satisfies the general definition of a gift set forth in Section 112.312 (12)(a). However, I note that subsection 12(b)(3) exempts from that definition, "An honorarium or an expense related to an honorarium event paid to a person or the person's spouse." Because this exemption is in the State Ethics Code, I have conferred with counsel for the State Commission on Ethics as well as conducted an independent analysis.

Based upon the invitation letter and JFNA's request that you address the conference, I am of the opinion that travel, lodging, meals (during the event) and conference expenses are "an expense related to an honorarium event" and thus fall under the exception to the definition of a gift. Based upon this exemption, your acceptance of these expenses would not be a violation of the Code.

Accordingly, you may attend the JFNA event in Israel and JFNA may pay your expenses incurred in attending the event. Your stay (as relates to the receipt of reimbursements) must be reasonably limited to the time of the event and only to expenses related to the attendance at the event.

Sincerely



Andrew S. Maurodis

City Attorney

10/1/18