



WEISS SEROTA HELFMAN
COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

TO: CITY COMMISSION, CITY OF PARKLAND

FROM: ANDREW S. MAURODIS, CITY ATTORNEY

DATE: MARCH 13, 2019.

RE: BROWARD COUNTY ETHICS CODE/KEN CUTLER

You have asked if you may accept certain expense reimbursement for your attendance at a Town Hall meeting to be held at the Tree of Life Temple in Pittsburgh, Pennsylvania. The Temple has asked that you participate in a symposium on gun violence and anti-semitism. Students from Marjory Stoneman Douglas High School and victim family members will also be participating. Your wife has also been invited (she is a teacher at Marjory Stoneman Douglas). The invitation, from the Tree of Life Temple, includes payment of travel, meals and lodging limited to the time of the symposium. Besides participation in a formal panel discussion, you will have meetings with Tree of Life Synagogue Members and local city officials. (see attached email dated March 13, 2019 for opinion request).

The Broward County Code of Ethics provides that municipal elected officials "shall not accept gifts, directly or indirectly, regardless of value" from any lobbyist registered with the City, from any principal/employer of any such lobbyist, or from vendors or contractors of the City. Commissioners may accept gifts in an "official capacity" from "other sources" up to \$50.00 per occurrence. The Broward County Ethics Code incorporates the definition of "gift" as set forth in the *Florida Statutes, Chapter 112*, the State Ethics Code.

The Tree of Life Temple is not a lobbyist, vendor or contractor of the City, thus the \$50.00 limitation on "gifts from other sources" is at issue. The

reimbursement from the Tree of Life Temple relating to the symposium (including travel expenses, accommodations, and registration fees) clearly would exceed the \$50.00 "gift" limitation. The question is whether the payment of expenses for you and your wife constitutes a "gift" – if it does you are prohibited from accepting it under the Broward County Ethics Code. However, I do not believe it falls within the definition of a gift.

The definition of "gift" which is set forth in the *Florida Ethics Code, Section 112.312(12)(b)(3)* exempts "An honorarium or an expense related to an honorarium event paid to a person or the person's spouse" from the definition of "gift." *Florida Commission on Ethics Rule 34-13.220* defines an "honorarium." In pertinent part the rule states:

"Honorarium" means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his behalf, as consideration for:

(a) A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media. "Speech, address, oration, or other oral presentation" means a formal address, lecture, panel discussion, or other presentation which a reporting individual or procurement employee has been invited to make to a gathering of persons.

In this instance, you have received a written invitation to be a speaker/panelist at the symposium and you expect to meet with Temple and local elected officials. Because of the distance involved, you would have to travel by plane and stay in a hotel. I also understand that your reimbursement will be equal to that of other invitees. These expenses, under the circumstances described above, would constitute an honorarium.

It is therefore my opinion that you and your wife may accept the travel, accommodation, food and transportation expenses from the Tree of Life Temple provided that reimbursement for your accommodations and meals is limited to the time of the symposium and is reasonable.

Andrew S. Maurodis

From: Ken Cutler <kcutler@cityofparkland.org>
Sent: Wednesday, March 13, 2019 10:21 AM
To: Andrew S. Maurodis
Cc: Jennifer L. Johnson
Subject: Town Hall meeting in Pittsburgh

My wife, Sharon and I have been invited to attend as a panelist at the Town Hall ~ Parkland to Pittsburgh
Sunday, April 7 at 12:00 PM

JCC of Greater Pittsburgh's Center for Loving Kindness and WTAE-TV

Jewish Community Center~Robinson Building
5738 Darlington Road, Katz Performing Arts Center
Pittsburgh, PA 15217

We will be attending a panel discussion together with victim family members and students on Sunday. We fly
out on Friday and return on Monday.

We will also meet with members of the Tree of Life Synagogue and city officials. The JCC has indicated a
desire to pay for our travel, food and lodging while there.

I am requesting your legal opinion as to the ethical considerations of accepting the travel, food and lodging of
this event as I wish to fully comply with all ethical requirements.

Thank you,

Ken Cutler
Vice Mayor
Commissioner District 3
KCutler@cityofParkland.org
#ParklandProud

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