



WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

Memorandum

To: Christine Hunschofsky, Mayor

From: Andrew S. Maurodis, City Attorney, City of Parkland

Date: October 16, 2019

Re: Honorarium-Related Expenses

Pete Buttigieg is seeking the Democratic nomination for President and he has enlisted your support to play an active role in his campaign. The issue of gun violence and gun control are important planks in the Mayor's platform, and given your experiences with these issues as the Mayor of Parkland, you have been asked to give a series of speeches on this topic around the country to generate interest and support for Mayor Buttigieg's candidacy. The Pete for America Committee ("Committee") will cover your expenses associated with your appearances on behalf of his campaign. You wish to know whether state or county ethics laws prohibit you from engaging in these campaign activities on behalf of the Buttigieg campaign and whether it would be permissible for the Committee to pay for the expenses that will be incurred in connection with your presentations in support of the candidate. Finally, you ask whether the covered expenses constitute gifts to you that you would be required to report.

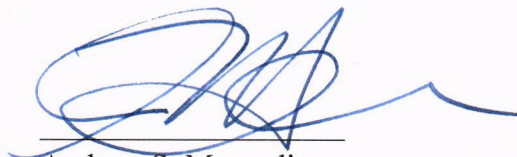
Under County and state ethics laws, a "gift" does not include an honorarium or an expenses related to an honorarium paid to a person or the person's spouse. Since you will not be paid an honorarium in consideration for your campaign activities, the question to address is whether your actions on behalf of the campaign meet the definition of an honorarium event. An honorarium event is a speech, address, oration or other oral presentation made to a gathering of persons. Typically, such a presentation encompasses giving a formal address or lecture or participating in a panel discussion. Assuming one of these elements is met, the official can have his or her expenses paid and such expenses are classified as honorarium-related expenses. The law requires that only actual and reasonable expenses can be paid for by the third party.

Under state law, although a political committee is prohibited from paying an honorarium to a reporting individual, the committee can provide the reporting individual with expenses related to the honorarium event. Within 60 days after the honorarium event, the political committee must provide to the reporting individual a statement listing the name and address of the person providing the expenses, a description of the expenses provided and the total value of the expenses provided for the event. The reporting individual under state law is obligated to complete and attach State Form 10 to be filed with the annual financial disclosure form (Form 1) due by July 1st for the prior calendar year. Moreover, Section 1-19 of the Broward Ethics Code requires Form 1 to be filed with the municipal clerk for public inspection and Form 10 should be attached to this filing as well.

Based on the information that you have shared with us, the speeches you anticipate giving on substantive policy issues for the Buttigieg campaign are covered by the honorarium statute, which would enable the campaign to pay your actual and reasonable expenses associated with the honorarium event(s). In order to demonstrate that your activities are in harmony with the honorarium statute, maintaining documents evidencing your participation in an honorarium event is recommended. Such documents include, but are not limited to, correspondence to you in advance of the event inviting you to make a speech; correspondence exchanged in advance of the event confirming the speech; a printed agenda or program distributed to those who will be attending the event or correspondence received from the committee thanking you for your speech.

Due to the fact the expenses to be paid by the Committee are categorized as related to honorarium events, they are not gifts. Although you would have no obligation to report these covered expenses as gifts, you must adhere to the reporting requirements described above.

If you have any questions or wish to discuss with us, please contact us at your convenience.



Andrew S. Maurodis
City Attorney