



Memorandum No: 23-48

City Attorney's Office

To: Commissioner John C. Herbst

From: D'Wayne M. Spence, Interim City Attorney

Date: May 5, 2023

RE: **Formula 1 Miami Grand Prix at Pier Sixty-Six – Friday, May 5, 2023**

Question Presented:

You have asked whether your acceptance of an invitation to attend the “Experience Formula 1 Miami Grand Prix at Pier Sixty-Six,” an event at Superyacht Village scheduled on Friday, May 5, 2023, from One Sotheby’s International Realty on behalf of the Residence at Pier Sixty-Six, would violate the Broward County Code of Ethics for Elected Officials.

Short Answer:

For the reasons stated below, it is my opinion that acceptance of the invitation from One Sotheby’s International Realty on behalf of the Residence at Pier Sixty-Six and event sponsor Tavistock Development Company is a violation of both the Florida Code of Ethics and the Broward County Code of Ethics for Elected Officials.

Discussion:

On April 28, 2023, One Sotheby’s International Realty sent a marketing email to you extending an invitation on behalf of the Residence at Pier Sixty-Six to attend the “Experience Formula 1 Miami Grand Prix at Pier Sixty-Six,” an event at Superyacht Village on May 5, 2023. The event is described as a seamless VIP experience at the marina to view F1 practices, qualifying events, and race. It includes free of charge to attendees curated cocktails, personalized and interactive sushi experience, and live entertainment. In a subsequent email from Ms. Sara Diab, Senior Marketing Director for One Sotheby’s International Realty, indicated that the event is sponsored by Tavistock Development Company and that the food and beverage provided at the event would cost approximately \$127 per person.

Our office analyzes gift questions under both the state and County ethics codes, as both contain limitations on the acceptance of gifts. A gift, for purposes of ethics in government and financial disclosure required by law, is defined to include food and beverage. Under the state code, there is a \$100 limit on gifts that a reporting individual may accept from a vendor doing business with his or her governmental entity or from a registered lobbyist, Section 112.3148(4), Florida Statutes.

Section 1-19 (c)(1) of the Broward County Code of Ethics for Elected Officials, provides in part:

(1) Acceptance of Gifts.

- a. *No Elected Official or relative, registered domestic partner, or governmental office staff of any Elected Official, shall accept any gift, directly or indirectly, with a value in excess of \$5.00, from lobbyists registered with the governmental entity on whose behalf they (or their registered domestic partner or relative) serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. In order to effectuate this provision, no lobbyist shall engage in any lobbying activity prior to registering as a lobbyist with the applicable governmental entity. For purposes of this paragraph, neither Broward County, any municipality within Broward County, or any other governmental entity shall be considered a registered lobbyist, a principal or employer of a registered lobbyist, or a vendor or contractor of any governmental entity within Broward County (emphasis added).*

Section 1-19 (b)(8) of the Broward County Code of Ethics for Elected Officials, defines the term "Lobbyist" as follows:

- (8) *"Lobbyist" is a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:*
 - a. *An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;*
 - b. *An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby;*

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- c. Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or*
- d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity (emphasis added).*

I have checked our applicable databases and "Tavistock Development Company Pier 66 Ventures, L", (presumably an abbreviated entry for two separate entities "Tavistock Development Company, LLC", and "Pier 66 Ventures, LLC"), appears as the principal or employer of lobbyist Stephanie Toothaker. The invitation from One Sotheby's International Realty on behalf of The Residence at Pier Sixty-Six and Tavistock Development Company. You are, therefore, precluded from accepting the invitation.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Code of Ethics, and may be relied upon by the individual who made the request. This analysis is limited solely to the facts presented. Within fifteen (15) days of receiving this opinion, a copy must be sent in a searchable "pdf" format to ethicsadvisoryopinions@broward.org for inclusion in the searchable database of advisory opinions maintained by the County.

If you have any questions or concerns, please let me know.