

November 9, 2024

**Via email only (Marlon.Bolton@tamarac.org)**

Commissioner Marlon Bolton  
City of Tamarac  
7525 NW 88<sup>th</sup> Avenue  
Tamarac, Florida 33321

**Re: Advisory Opinion-Code of Ethics-City of Tamarac**

Dear Commissioner Bolton:

You have asked me to determine whether you, as pastor of Praise Experience World Outreach Church (“Church”), may continue the activities, including but not limited to fundraising for the Church, permitted pursuant to the attached Advisory Opinion based on the same factual circumstances. You advised me that the facts outlined in the Advisory Opinion have not changed since the date of issuance of the opinion. The facts stated in the Advisory Opinion are incorporated herein by reference.

**Short Answer**

**Yes.** Based on the same factual circumstances outlined in the attached Advisory Opinion and the Code of Ethics, you are legally permitted to communicate on behalf of the Church with members of the public, elected officials, vendors, and businesses in the community to raise funds for the Church and discuss the mission of the Church. Moreover, you are not required to disclose when you raise funds on behalf of the Church under the Ethics Code per the Advisory Opinion.

**Legal Analysis**

Since the issuance of the Advisory Opinion on April 2, 2017, the Code of Ethics has not been amended to nullify the opinion provided in the Advisory Opinion based on the same factual circumstances. Specifically, you are not deemed a lobbyist under the definition of lobbyist under the Code of Ethics because you are employed as a pastor by the Church, a 501(c)(3) nonprofit charitable organization.

**Conclusion**

After reviewing and analyzing the Advisory Opinion and the Code of Ethics, it is the opinion of the City Attorney’s Office that the Code of Ethics does not legally prohibit you from

communicating or advocating on behalf of the Church with other elected officials, businesses, vendors, and other covered individuals regarding matters of the Church. As stated previously, you are not required to disclose fundraising activities on behalf of the Church.

The Office of the City Attorney has issued this advisory opinion pursuant to Section 1-19 (c)(8) of the Code of Ethics of Broward County. As such, you may rely upon this advisory opinion in furtherance of your conduct on behalf of the Church. It is important to note this advisory opinion is limited to the facts you have presented to the Office of the City Attorney. If the pertinent facts change, our office reserves the right to amend this advisory opinion. Within fifteen (15) days of receiving this advisory opinion, the undersigned is required to send a copy of the advisory opinion to [ethicsadvisoryopinions@broward.org](mailto:ethicsadvisoryopinions@broward.org) for inclusion in the searchable database of the advisory opinions maintained by Broward County.

If additional information is needed by you regarding this advisory opinion, please feel free to contact me.

Sincerely,

*/s/Hans Ottinot*

Hans Ottinot, Esq.

cc: Pam Ryan, Esq.  
Regine Monestime, Esq.



**GOREN CHEROF  
DOODY & EZROL P.A.**  
ATTORNEYS AT LAW

Jacob G. Horowitz  
jhorowitz@cityatty.com

## GCDE ETHICS ADVISORY OPINION

To: Commissioner Marlon Bolton

From: Samuel S. Goren, City Attorney *SSG*  
Jacob G. Horowitz, Assistant City Attorney *JGH*

Date: April 2, 2017

Re: City of Tamarac (“City”) / Code of Ethics – Advisory Opinion

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### I. ISSUE AND FACTS PRESENTED

You were elected in November 2016 to serve as the City Commissioner for District 1. In addition to serving as the district commissioner, you are employed to serve as the pastor for the Praise Experience World Outreach Church (the “Church”) located in the City of North Lauderdale. The Church is a registered 501(C)(3) not-for-profit organization.

In your capacity as pastor, you routinely work to promote the Church throughout the community. Your pastoral duties include, but are not limited to, officiating special and regular services, community outreach, including but not limited to event planning and evangelism, serving on special committees, counseling congregants and other roles as outlined by your organization’s bylaws, doctrinal beliefs and policies. You occasionally speak to other elected officials, public employees, businesses, and vendors about issues relative to the Church and its congregants, as well as raising funds for the Church and projects that benefits the church. Your communications with, including but not limited to, elected officials, public employees, businesses, and vendors,

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Please reply to Fort Lauderdale Office

**Fort Lauderdale Office**  
3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

**Delray Beach Office**  
76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

[www.cityatty.com](http://www.cityatty.com)

includes seeking their support for Church-related events, projects and lobbying on behalf of other matters that may benefit the Church.

You have asked the City Attorney to provide you with an advisory opinion examining whether the Broward County Code of Ethics for Elected Officials (“Code of Ethics”) permits you to engage other elected and public officials, vendors, members of the public and businesses in the community on behalf of the Church as well as to recruit members, raise funds and awareness of the church to further the Church’s mission.

## II. ANSWER

Based on the facts and circumstances described, it is our opinion that as the Church Pastor you **are not a lobbyist**, by definition, under the Code of Ethics when you communicate on behalf of the Church. Therefore, you **are legally permitted** to communicate with members of the public, elected officials and other “covered individuals” on matters relative to the Church.

Additionally, the charitable fundraising disclosure requirements set forth in the Code of Ethics do not apply to elected officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization. Since you are the pastor and the Church is a nonprofit charitable organization, you **are not legally required** to file any disclosures when you engage in charitable contribution fundraising on behalf of the Church.

## III. ANALYSIS

The Code of Ethics expressly states that “elected officials **shall not lobby** any covered individuals.”

“Lobby” means a communication “**from a lobbyist** to a covered individual regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item.” The Code provides a broad definition of “covered individual” which includes other elected and public officials, as well as certain members of municipal and county staff.

The Code of Ethics’ definition of “lobbyist” expressly **excludes** “an individual who communicates on his or her own behalf, **or on behalf of a person or entity employing the individual** on a full or part time basis, unless the individual is principally employed by that person or entity to lobby.”

You are employed by the Church, a 501(c)(3) nonprofit charitable organization, as its pastor. Based on the definition of “lobbyist” set forth in the Code of Ethics, individuals who communicate on behalf of their employer are not lobbyists unless they are principally employed to lobby. As the Church pastor, you have a broad range of duties and responsibilities which may, at times, include communicating with other elected officials and covered individuals on issues relevant to the Church. Such communications are a relatively minor description of your job functions.

Based on the foregoing, it is our opinion that the Code of Ethics **does not** prohibit you from continuing to communicate with other elected officials on behalf of the Church, even if such communications include lobbying on behalf of matters which may benefit the Church.

The Code of Ethics also provides detailed disclosure requirements when elected officials engage in charitable contribution fundraising on behalf of nonprofit organizations. This provision expressly states that these disclosure requirements **shall not apply** to municipal officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization.

It is our opinion that this legal exception would apply to you, as the Church Pastor, when you engage in charitable contribution fundraising on behalf of the Church. Therefore, you **are not legally required to disclose** when you raise funds on behalf of the Church.

#### IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney's Office that the Code of Ethics **does not legally prohibit** you from communicating with other elected and public officials, and other covered individuals, regarding matters relative to the Church, even if such communications may include lobbying. Further, as the Church pastor, **you are not legally required** to disclose when you engage in charitable contribution fundraising on behalf of the Church.

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](mailto:ethicsadvisoryopinions@broward.org) for inclusion in the searchable database of advisory opinions maintained by the County.

Please contact our office if there is any additional information that we can provide.