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MEMORANDUM

TO: Commissioner Dale V.C. Holness

FROM: Andrew J. Meyers, Chief Deputy County Attorney

DATE: August 25, 2016

RE: **Friends of the Broward County African-American Research Library and Cultural Center ("AARLCC") Annual Awards Luncheon
CAO File: 16-10E (Gifts and Charitable Solicitation)**

You have accepted an invitation from AARLCC to be among its honorees at its annual Awards Luncheon, which will be held on October 28. AARLCC also uses the event as an opportunity for fundraising. You have asked whether, as a result of accepting this invitation, you will have any reimbursement or disclosure obligations. As stated below, you will have both.

Reimbursement Obligation

We analyze the reimbursement question under both the state and county ethics codes, as both contain limitations on the acceptance of gifts. A review of the applicable County database shows that AARLCC is a County contractor. With regard to accepting items from contractors, the provisions of the County code are far more limiting than the applicable provisions of the state code. Under the County code, with few exceptions, Commissioners may not accept anything of value from County vendors or contractors.

However, three exceptions created by the recent amendment to the County ethics code are applicable here. Section 1-19(c)(1), Broward County Code of Ordinances. First, the County code allows a Commissioner to accept, from any source, nonalcoholic beverages. Second, the Code allows a Commissioner to accept, from any source, *de minimis* items valued at up to \$5.00. Third, the Code allows Commissioners to accept tickets to charitable events available to the public provided the Commissioner:

1. Meets the disclosure obligation outlined below; and
2. Within thirty days after the event, reimburses the donor for the value of the food and beverages consumed.

Commissioner Dale V.C. Holness

August 25, 2016

Page 2

Reading these exceptions together, we conclude that you are obligated to reimburse AARLCC for the value of any food you consume at the luncheon (and, although very likely inapplicable here, any alcoholic beverages) minus the \$5.00 *de minimis* value that may be accepted. The value of the food is usually substantially less than the face value of the admission ticket, which commonly includes an imbedded charitable contribution. AARLCC will be able to calculate the actual value of the food, and we are available to assist if needed.

Disclosure Obligations

You will also have two disclosure obligations. First, because your participation assists AARLCC in raising charitable contributions, please complete and file the charitable fundraising disclosure form required by the County ethics code. As AARLCC may use your attendance to raise funds in advance of the luncheon, please file the form within the next ten days. Second, a recent amendment to the code requires that, within fifteen days after accepting tickets to a charitable event, you submit a disclosure form stating the name of the donor, the value of the tickets received (which will be the face value minus the imbedded charitable contribution), and the date and location of the event. Because you have already decided to attend, please file that form as well within the next ten days. We are available to assist your office regarding completion and submittal of these disclosure forms.

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

/s/ Andrew J. Meyers

Chief Deputy County Attorney