
Memorandum

To: Mayor Michael J. Ryan
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: October 5, 2016
Re: City of Sunrise/Code of Ethics – Advisory Opinion- 2016-06

The Sunrise Pops, Inc. (“Sunrise Pops”) is a Florida Not for Profit Corporation that is a City fully approved (sponsored) charity pursuant to Resolution No. 11-183-15-A. The Sunrise Pops has a Gala luncheon that is a fundraiser and has asked you to participate by allowing them to auction off lunch for 2 people with you. You would be able to pick the place for the lunch and would be paying for lunch for all 3 people (you and 2 guests) personally. No one would be reimbursing you for the cost of the 3 lunches. If you have reason to believe any of these facts are inaccurate or incorrect in any way, please let me know because it may affect my opinion.

You have asked (1) whether you may participate in this type of fundraiser for the Sunrise Pops in which lunch for 2 with the Mayor would be auctioned off and (2) whether you would have any reporting obligation.

Your inquiry raises the issue of potential charitable solicitation. With regard to the charitable solicitation, Elected Official Code of Ethics states that Commissioners may solicit funds for a “nonprofit charitable organization ... so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.” Section 1-19(b)(5)a.1, County Code of Ordinances. Even though your service may not constitute a direct solicitation of charitable contributions, your presence and the opportunity for someone to have lunch with you may encourage potential donors to make a charitable contribution to the Sunrise Pops. Elected Officials are required to disclose charitable solicitations under Section 1-19(b)(5)a.2; however, the disclosure requirements do not apply to an Elected Official when the charities or fundraising events have been formally approved by the Elected Official’s government entity. See Section 1-19(b)(5)a.4, of the County Code of Ordinances.

As the City has formally approved (sponsored) the Sunrise Pops as a charity by Resolution No. 11-183-15-A, it is my opinion that you may participate in the fully approved charity’s fundraiser under the facts presented without incurring any reporting obligation under the Elected Officials Code of Ethics.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Elected Official Code of Ethics and may be relied upon by the individual who made the request. In researching this request, I have reviewed opinions issued by the County Attorney’s Office, including but not limited to CAO 11-43E (Charitable Solicitation/Gift). This analysis is limited solely to the facts presented. Please contact me if there is any additional information that I can provide. I will provide a copy of this advisory opinion in a searchable “pdf” format to ethicsadvisoryopinions@broward.org within 15 days to ensure your compliance with Section 1-19(c)(8)c.