



954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Commissioner Chip LaMarca

FROM: Andrew J. Meyers, Chief Deputy County Attorney

DATE: December 21, 2016

RE: **Emirates Air Inaugural Flight Events**
CAO File: 16-16E (Gifts)

Emirates Air recently added Fort Lauderdale-Hollywood International Airport ("FLL") as a landing destination, and had its inaugural landing at FLL on December 15, 2016. The addition of FLL as an Emirates Air destination provides significant benefits to the County including, specifically, to FLL and to our tourism industry. To mark this momentous event, Emirates Air held two functions on December 15. The first function was a late morning reception at our airport terminal where the inaugural flight passengers deplaned. The second was an evening reception at the Diplomat Hotel. Emirates Air invited you, the other County Commissioners, and certain senior FLL and County staff to attend these events. You attended both events. The morning event has an estimated value of \$50, while the value of the evening event is approximately \$150.

Emirates Air is a County contractor, and the County ethics code dramatically limits gifts that may be accepted from contractors. In essence, you are only permitted to accept from Emirates Air gifts valued at up to \$5 and, in this context, you may also accept nonalcoholic beverages. Under applicable law, however, an item does not constitute a gift when full consideration therefor is provided within ninety (90) days.

Because of the public importance of elected officials and senior staff attending these events, FLL provided \$2,000 in promotional money to Emirates Air in connection with the events, and FLL further provided \$4,900 in money and waived fees related to parking at the morning event. These amounts provided more than full consideration for your (and your colleagues') attendance at the events. Accordingly, under applicable law, you have not received any gift from Emirates Air and you do not have any obligation to provide any reimbursement in connection with your attendance at the events.

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We are analyzing whether, and the extent to which, the payments by FLL would be considered a gift to you by the County. If determined to constitute a gift from the County, you will be receiving a statement from the County by March 1, 2017, advising you that you must disclose the gift on Florida Commission on Ethics Form 10 (which is filed concurrently with your Form 6). We will, of course, be available to assist you in completing any required Form 10.

Please contact me with any questions or concerns, or if we may be of further assistance regarding this matter.

I wish you and your family a great holiday season and a happy and healthy New Year.

/s/ Andrew J. Meyers

Andrew J. Meyers

Chief Deputy County Attorney