

Jacob G. Horowitz
jhorowitz@cityatty.com



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

To: Commissioner Ismael Monroig

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

Date: November 14, 2017

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

I. ISSUE AND FACTS PRESENTED

On November 10, 2017, the City is hosting the “Viernes Social” benefit concert to raise money for Hurricane Maria relief efforts in Puerto Rico (the “Event”). Tickets for the Event are \$35.00 each. The City has offered you two (2) complimentary tickets to the Event, at a total value of \$70.00.

The Event is being held at the Charles F. Dodge City Center (“City Center”). The City has a contract with SMG to manage and operate City Center. SMG has not offered you tickets to the Event.

You have asked whether you are legally able to accept the tickets from the City under the Broward County Code of Ethics for Elected Officials (“Code of Ethics”).

II. ANSWER

You **are legally permitted** to accept the tickets from the City. The Code of Ethics establishes a \$50.00 limitation on gifts that elected official may accept in their official capacity; however, this limitation does not apply to a governmental entity giving a gift to its own elected official. *Section 1-19(C)(1)(b), Broward County Code of Ordinances.*

{00205525.1 1956-7601851}

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

III. ANALYSIS

The Code of Ethics incorporates the definition of “gift” from Section 112.312(12), F.S. This definition of “gift” expressly includes “entrance fees, admission fees, or tickets to events, performances, or facilities.” Therefore the tickets to the Event are a “gift” for purposes of the Code of Ethics. The value of this “gift” is \$70.00 (2 tickets at \$35/ticket).

The Code of Ethics establishes the following three (3) categories of gifts: 1) gifts from lobbyists, vendors and contractors, 2) official capacity gifts, and 3) non-official/personal capacity gifts.

It is our opinion that the tickets to the Event are gifts in your “official capacity.” Under the Code of Ethics, there is a \$50.00 limit on gifts that elected officials may accept from “other sources” (not vendors, lobbyists and contractors) in their official capacity. However, “a governmental entity giving a gift to its own elected official shall not be considered an ‘other source’ for purposes of the \$50.00 limitation.” In other words, the \$50.00 limit does not apply to gifts given to you by the City.

You noted that City Center is managed and operated by a City contractor, SMG. There is a separate legal analysis involving the acceptance of admission tickets to charitable events from contractors that would be necessary if the tickets to the Event were offered to you by SMG. Since the tickets have been offered to you by the City, this provision does not apply under stated facts.

Based on the foregoing, it is our opinion that you may legally accept the two (2) tickets to the Event from the City valued at \$70.00.

IV. CONCLUSION

For the reasons set forth herein, it is the opinion of the City Attorney’s Office that you **may legally accept** the two (2) tickets to the Event from the City valued at \$70.00. The tickets are legally permissible gifts in your official capacity under the Code of Ethics.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Broward County Code of Ordinances 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.

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