



Memorandum

To: Commissioner Neil Kerch
From: Kimberly A. Kisslan, City Attorney *KAK*
Date: May 17, 2018
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 2018-02

The Islamic Foundation of South Florida, Inc., via its President/Chairman, Dr. Zahid Qureshi, has invited you to its Annual Interfaith Iftar Dinner on Thursday, May 24, 2018 in the IFSF Masjid. The Islamic Foundation of South Florida, Inc. is a 501(c)3 corporation authorized to do business in Florida under both its name and the fictitious name of Salah Tawfik Elementary and Middle School. The event includes food and beverages with a per person cost of \$8. The total per person cost of the event is \$10 per person. More than 25 people were invited.

You have asked whether attendance by you at the Annual Interfaith Iftar Dinner creates any disclosure or reimbursement obligation for you.

I have checked with the City Clerk, the Police Chief, the Finance Director, the Fire Chief, the Community Development Director, the acting Procurement Manager and have been advised that the Islamic Foundation of South Florida, Inc. and Salah Tawfik Elementary and Middle School are not lobbyists, principals of a lobbyist, vendors or contractors of the City. While there was a special detail contract with the Police Department, that contract expired on September 9, 2017 and has not been renewed.

It is my opinion that your attendance (and eating) at the Annual Interfaith Iftar Dinner does not create a disclosure requirement or reimbursement obligation under State law, the County's Code or the City's Code. The basis for my opinion follows.

State Law: Florida law requires reporting of gifts worth over \$100 on a Form 9 Quarterly Gift Disclosure. It excludes gifts from relatives (as defined in the statute) from the disclosure requirement. Florida law prohibits the acceptance of gifts worth over \$100 from lobbyists or vendors. Section 112.3148(4), Fla. Stat. The donor is not a lobbyist or vendor and the cost per person for the event is \$10. There are no state law requirements to disclose or reimburse this gift.



Broward County: Section 1-19(c)(1) of the Elected Official Code of Ethics contains certain restrictions on the acceptance of gifts. Elected officials are prohibited from accepting gifts with a value in excess of \$5 from lobbyists, principals of lobbyists, vendors or contractors. A “contractor” is defined as any person or entity **currently** under contract with the applicable local governmental entity. Gifts given to an Elected Official in his official capacity are deemed to be *de minimis* and may be accepted. According to the City’s records, the donor is not a lobbyist, principal of a lobbyist, vendor or **current** contractor of the City. The \$10 gift is less than the \$50 maximum value allowed for an official capacity gift. The gift may be accepted in your official capacity without disclosure or reimbursement.

City Ethics Code: Section 10-20 of the City’s Code has a \$25 gift limitation where the gift was intended to influence an employee in the performance of his official duties or was intended as a reward for any official action on his part. This limitation, however, does not apply to ceremonies or social gatherings at which meals are consumed and to which 25 or more persons have been invited. Provided the gift was not intended to influence you in the performance of your duties and was not intended to reward you for any official action, the limitation in the City’s Code would not be applicable as more than 25 persons have been invited. The City’s Code does not have an independent disclosure requirement.

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 for purposes of the Broward County Elected Official Code of Ethics. It is limited to the facts and based on the assumptions set forth in this opinion. In the event any of the facts or assumptions are not accurate, please provide me with correct information.

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. of the Elected Official Code of Ethics.