

# **ETHICS OPINION**

## **Office of the City Attorney**

**TO:** Commissioner Larry Vignola  
**FROM:** John J. Hearn, City Attorney  
**RE:** Acceptance of Gifts at Birthday Party  
**DATE:** January 8, 2016

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You have asked for an opinion as to your child accepting gifts at her birthday party. You have informed my office that you have no belief or knowledge that the children or the parents of the children who will be giving your daughter gifts are lobbyists, contractors or vendors of the City. If these facts are incorrect or inaccurate in any way, please let us know since it may affect the opinion that we give.

The Broward County Code of Ethics, as amended on December 8, 2015, provides that "no Elected Official, or relative, registered domestic partner or governmental office staff of any Elected Official, shall accept any gift, directly or indirectly, with a value in excess of \$5.00" from any lobbyist registered with the City, from any principal/employer of any such lobbyist, or from vendors or contractors of the City. Section 1-19(c)(1)a., County Code of Ordinances. Commissioners may accept gifts in an "official capacity" from "other sources" up to \$50.00 per occurrence. Section 1-19(c)(1)b., County Code of Ordinances. The \$50.00 limitation does not apply to gifts given to Commissioners in their personal (non-official) capacity. Such gifts are still subject to the reporting requirements of Florida Statutes section 112.3148. Section 1-19(c)(1)c., County Code of Ordinances.

Since your daughter is a "relative" as defined in the Broward County Code of Ethics, any gifts given to her by a lobbyist, contractor or vendor of the City would be subject to the \$5.00 gift limit. Technically, this would include "indirect" gifts that were given to her by a child of a lobbyist, contractor or vendor of the City.

However, it is our opinion that a violation of the Broward County Code of Ethics would only exist if your daughter accepts gifts over \$5.00 that you knew or should have known were being given by a lobbyist, contractor or vendor of the City. We have confirmed that this interpretation is consistent with the position the Inspector General's Office has taken with regard to enforcement of the Broward County Code of Ethics.

If you do become aware that your daughter has accepted a gift from a lobbyist, contractor or vendor of the City over \$5.00, you must reimburse the person giving the gift for the value of the gift (less \$5.00) within 90 days.

If you need additional guidance regarding this matter, please feel free to contact my office.

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