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**GOREN CHEROF
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ATTORNEYS AT LAW

GCDE ETHICS ADVISORY OPINION

To: Vice Mayor Iris Siple

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

Date: January 11, 2016

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

I. ISSUE AND FACTS PRESENTED

You have indicated that recently won a 50” Vizio television in a raffle (game of chance) as part of the Mayor’s Let’s Make a Deal fundraising event. You also won a round of golf at the same event which you donated back to the fundraiser. You have indicated that all members of the public were able to purchase raffle tickets, and that you paid full price (\$150.00) for your tickets. You have asked whether the television prize constitute a gift under the Broward County Code of Ethics for Elected Officials (“Code of Ethics” or “Code”) and, if so, whether you may accept the same.

II. ANSWER

The prize of television won in a game of chance **is not** a “gift” as defined by Section 112.312(12), F.S.; however, in an abundance of caution the prize **should** be reported to the Florida Commission on Ethics on the Form 9 quarterly disclosure. Since you entered the game of chance in your personal/non-official capacity, there is **no prohibition or reporting obligation** under the Code of Ethics and state law would apply. *Section 1-19(C)(1)(a), Broward County Code of Ordinances.*

III. ANALYSIS

The Code of Ethics incorporates the definition of “gift” from Section 112.312(12), F.S. This definition **does not** include prizes for games of chance that are available to the general public.

Please reply to Fort Lauderdale Office

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Section 1-19(C)(1)(a) of the Code of Ethics provides a \$50.00 limit on gifts given to elected officials in their “official capacity.” The \$50.00 limit **does not** apply to gifts given to elected officials in their personal/non-official capacity. Such gifts are subject to Ch. 112, F.S.

Since participation in the raffle was open to the public and you entered in your personal/non-official capacity and paid full price for the raffle tickets, the limitations set forth in the Code of Ethics **would not** apply. Furthermore, a prize won in a game of chance **does not** fall within the definition of “gift” as set forth in Section 112.312(12).

Similarly, please note that the Florida Commission on Ethics (“FCE”) previously concluded that a commissioner **may accept** an expenses paid trip for two (2) to London from a developer that appeared before the Town commission since the trip was won in a game of chance that was open to the public. See CEO 86-19 (February 29, 1986). Based on this FCE analysis, it is our opinion that you **may legally accept** the television raffle prize. While the prize does not technically constitute a “gift” under Florida law, in an abundance of caution, you should disclose the prize on the Form 9 quarterly disclosure that is filed with the FCE.

IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney’s Office that you **may accept** the Vizio television won as a prize in a game of chance that was open to the general public. In an abundance of caution, you **should disclose** the prize on the Form 9 quarterly disclosure that is filed with the FCE.

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