

**MEMORANDUM**

**TO:** Commissioner Chip LaMarca

**FROM:** Andrew J. Meyers, Chief Deputy County Attorney

**DATE:** April 12, 2016

**RE:** **Symphony of the Americas Society - "Style and Substance"**  
**CAO File: 16-04E (Gifts)**

Several months ago, you and your wife, Eileen, were among the approximately one dozen individuals selected as honorees in connection with the 2015-2016 "Style and Substance" series of events benefitting the Symphony of the Americas Society, a 501(c)(3) tax-exempt organization ("SAS"). The events were:

1. A January 14 honoree breakfast and photo shoot. You and Eileen attended and consumed orange juice and yogurt;
2. A February 5 photo shoot, during which your photos were taken for use in connection with the April 8 event (please see #5 below). You and Eileen were able to purchase photos for your personal use, but if you chose to do so, you were required to pay for those in full;
3. A February 9 symphony concert, which neither you nor Eileen attended;
4. A March 20 "photo unveiling," which you did not attend but Eileen attended (she only consumed water); and
5. The April 8 "Style and Substance" Luncheon, which was open to the public at a per ticket cost of \$65. Both you and Eileen attended.

Because your participation assisted SAS in raising charitable contributions, you have already filed the charitable fundraising disclosure form required by the County ethics code. You have also asked what reimbursement obligation you have in connection with these events. For the reasons stated below, it is our opinion that you should reimburse SAS at total amount of \$120. This opinion is based on the

above-referenced facts. For that reason, if you believe those facts are incomplete or inaccurate, please let us know as it may impact our opinion.

We analyze the reimbursement question under both the state and county ethics codes, as both contain limitations on the acceptance of gifts. Under the state code, there is a \$100 limit on gifts a Commissioner may accept from a vendor doing business with his or her governmental entity. Section 112.3148(4), Florida Statutes. The restrictions imposed under the County code are more limiting. With a few small exceptions, Commissioners and their spouses may not accept anything of value from County vendors or contractors. A review of the applicable database shows that SAS is a County contractor. Thus, all value received must be reimbursed except to the extent something received fits within one of the limited exceptions.

No reimbursement results from the January 14 breakfast. The County code allows a Commissioner and the Commissioner's spouse to each accept, from any source, nonalcoholic beverages and *de minimis* items valued at up to \$5.00. Section 1-19(c)(1), Broward County Code of Ordinances. It is our opinion that this covers the juice and yogurt consumed.

No reimbursement results from the photo shoot. The photos were taken for purposes of the Style and Substance Luncheon, and benefitted only SAS. If you wanted copies, you were required to pay the photographer in full for the copies. Thus, you did not receive anything of value in connection with the photo shoot.

Likewise, no reimbursement results from the concert or the photo unveiling. This is because neither you nor Eileen attended the concert, and because Eileen attended the photo unveiling but consumed only water (a permitted nonalcoholic beverage).

Finally, you both attended the April 8 luncheon, during which you consumed the food and beverages made available to others, including members of the public who purchased seats for \$65 each. Your reimbursement obligation for the luncheon is \$120, covering the full cost of your and Eileen's attendance less the \$10 (\$5 each) *de minimis* amount you are permitted to accept. It is my understanding that you have already paid this amount, based on our prior discussions. If not, please provide this reimbursement within ninety (90) days after April 8.

If you have any questions or concerns, please let me know.

/s/ Andrew J. Meyers  
Chief Deputy County Attorney