



**GOREN CHEROF
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GCDE ETHICS ADVISORY OPINION

To: Commissioner Michelle Gomez

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

Date: March 3, 2017

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

I. ISSUE AND FACTS PRESENTED

You currently serve on the Board of Directors (the “Board”) of the Dellenbach Foundation (the “Foundation”). The Foundation has purchased a table for the Meggan Morency Wild West Night Fundraiser (the “Event”) to support the Bit-by-Bit Medical Therapeutic Riding Center taking place on March 4, 2017. The cost of the table is \$1,000, which includes ten (10) tickets to the Event. The Foundation has offered you two (2) tickets to attend the Event; however you intend to only accept one (1) ticket.

The Foundation is not a lobbyist, vendor or contractor of the City. You have also indicated that you have personally known the Dellenbachs and other Board members since 1994, long before your election to public office. Other members of the Board received similar invitations from the Foundation.

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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

You have asked the City Attorney to provide you with an advisory opinion examining whether the Broward County Code of Ethics for Elected Officials (“Code of Ethics”) permits you to accept one (1) ticket to the Event from the Foundation.

II. ANSWER

Based on the facts and circumstances described, it is our opinion that you are accepting one (1) ticket to the Event in your personal, nonofficial capacity. Pursuant to the Code of Ethics, you may accept gifts in your personal, nonofficial capacity, irrespective of value, subject to the reporting requirements of Section 112.3148, F.S.

Therefore, you may accept to the ticket to the Event from the Foundation. The value of each ticket is \$100.00. Pursuant to Section 112.3148, F.S., you must disclose any gifts having a value in excess of \$100.00. Therefore, you are not legally required to disclose the gift on a Form 9 Quarterly Gift Disclosure; however you have indicated that you may choose to do so in an abundance of caution.

III. ANALYSIS

The Code of Ethics states that there is no limitation on the value of gifts given to elected officials in their personal, non-official capacity and that such gifts are subject to the reporting requirements of Section 112.3148, F.S.

You have indicated that you currently serve on the Board of the Foundation and that your relationship with the Foundation pre-dates your election to public office. You have also stated that other Board members have been invited by the Foundation to attend the Event. Therefore, it is our opinion that the invitation to the Event is being given to you in your personal, nonofficial capacity.

As noted, there is no restriction on the value of gifts that you may accept in your personal, nonofficial capacity; however the reporting requirements set forth in Section 112.3148, F.S. apply to such gifts. This section requires you to disclose any gifts valued in excess of \$100. Since the table of ten (10) cost \$1000.00, the value of each individual ticket is \$100.00.

Section 112.3148, F.S. requires that you disclose any gifts received that have a value in excess of \$100.00. Therefore, you are not legally required to disclose the gift; however you have indicated that you may desire to do so in an abundance of caution. Should you choose to do so, the Form 9 Quarterly Gift Disclosure is filed with the Commission on Ethics.

IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney’s Office that the tickets to the Event are being offered to you by the Foundation in your personal, nonofficial capacity. In accordance with the Code of Ethics you may accept the ticket(s), subject to the applicable disclosure requirements, if any.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Code of Ethics, 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.