



Memorandum

To: Assistant Deputy Mayor Jacqueline A. Guzman
Thru: Kimberly A. Kisslan, City Attorney *KAK*
From: Navin A. Ramnath, Assistant City Attorney *NAR*
Date: October 12, 2021
Re: City of Sunrise/Elected Official Code of Ethics – Advisory Opinion 21-01

Facts

You have advised that Equality Florida Institute, Inc. (Equality) is a Florida not for profit corporation that is a 501(c)3 charitable organization. Mark Barr, Equality's Broward Development Officer, has invited you to serve on Equality's Honorary Host Committee (Host Committee) for the Broward Gala 19th Annual Celebration (Broward Gala) to take place on Saturday, November 13, 2021 at The Westin Fort Lauderdale Beach Resort.

As a member of the Host Committee, your name and photograph will be displayed on a promotional flyer and on a digital screen during the Broward Gala. You have advised that you are not being paid for your service, that you would not be a "sponsor," that only sponsors can attend the event, that host committee members are not attending the event, and that you will not receive a ticket, food, beverages, or anything else of value. If these facts are inaccurate or incorrect in any way, please let us know because it may affect our opinion.

Issue

You have asked for an advisory opinion regarding whether or not you may serve on Equality's Host Committee for the Broward Gala and whether or not any disclosures are required.

No outside or concurrent employment

Section 1-19(b)(10) of the Broward Elected Official Code of Ethics (County Code) defines "outside or concurrent employment" as providing services for any person or entity other than the City in exchange for remuneration. Similarly, Florida Statutes §112.313(7) prohibits a public officer from having or holding any employment or contractual relationship with an agency doing business with the City. Florida Commission on Ethics Opinions 91-29 and 96-30 find that there is no employment or contractual relationship where service on a board of directors is not compensation. A search of the City's

databases reveals that Equality is not a City vendor, contractor lobbyist or principal of a lobbyist. Because you are not receiving remuneration, there is no prohibited outside or concurrent employment.

Host Committee services requires charitable solicitation disclosure form.

County Ethics Opinion 11-49E to County Mayor Gunzburger dated October 25, 2011 concluding that her service as the honorary chair of Equality Gala in 2011 did not constitute outside or concurrent employment, and opined that she should complete the charitable solicitation form and file it for public inspection as her service on the Host Committee may encourage charitable contributions. Similarly, County Ethics Opinion 11-50E to Commissioner Sharief resulted in the same analysis regarding her service on Equality's Host Committee. In 2011, the County's Ethics' Code did not apply to municipal elected officials; however, in 2012, it became applicable to municipal elected officials. In 2020, the County substantially revised its charitable solicitation language.

County Code Section 1-19(c)(5) allows an elected official in his or her private capacity, to solicit funds, goods, or services on behalf of any charitable organization, nonprofit entity, or individual (Private Charitable Solicitation), provided that the Elected Official complies with any applicable state or federal laws, does not represent or imply to anyone that the charitable solicitation is on behalf of or has been approved or endorsed by the Elected Official's governmental entity, does not use any staff or resources of his or her governmental entity, and further provided that the Elected Official discloses the Private Charitable Solicitation within fifteen (15) days after the Elected Official engages in Private Charitable Solicitation. See County Code Sections 1-19(c)(5)a.1. and 5.c.

County Code Section 1-19(c)(5)(a)5.c provides that "[w]here the Elected Official serves on a fundraising committee of . . . a 501(c) organization, and periodically or regularly solicits funds, goods, or services on behalf of such organization, the Elected Official need not file a disclosure each time he or she solicits on behalf of such organization. Instead, the Elected Official's initial disclosure will remain in effect for two (2) years from the date of filing such disclosure and the information contained thereon is not required to be updated during such two (2) year period."

The City's Ethics Code does not address service on a Host Committee and no disclosure is necessary under the City's Ethics Code.

Based on the foregoing provisions and facts, it is our opinion that you are allowed to serve on Equality's Host Committee provided: (i) there is no *quid pro quo* or other special consideration, including any direct or indirect benefit, provided to you; (ii) you comply with all applicable laws; (iii) you do not represent or imply to anyone that the charitable solicitation is on behalf of or has been approved or endorsed by the City; (iv) you do not use any staff or resources of the City; and (v) you disclose the Private Charitable Solicitation on the County's Charitable Solicitation Disclosure Form within fifteen (15) days by filing it for public inspection with the City Clerk.

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 fifteen (15) days to ensure your compliance with Section 1-19(c)(8)c. of the Elected Official Code of Ethics.

Enclosures:

County's Charitable Solicitation Disclosure Form

County Opinion 11-49E

County Opinion 11-50E



**BROWARD COUNTY ELECTED OFFICIAL CODE OF ETHICS
CHARITABLE SOLICITATION DISCLOSURE FORM**

Name of Elected Official: _____

Title: _____

Governmental Entity Served:

List the name of the entity or cause for which, or individual for whom, you engaged in this charitable solicitation:

List the name(s) of any individual(s) who, or entity(ies) that, requested that you engage in this charitable solicitation:

List the name(s) of any governmental staff member(s) who, at your direction or request, assisted with this charitable solicitation:

Aside from any governmental staff member(s) listed above, list any resource(s) of the governmental entity you used in connection with the solicitation (e.g., phones, emails, expenditures of public funds):

*Signature of Elected Official: _____ Date: _____

*If the solicitation disclosed on this form meets the following conditions, please check the box next to your signature: **The entity for which you are soliciting is a 501(c) organization and you serve on a fundraising committee or on the board of directors of such organization and periodically or regularly engage in the solicitation of funds, goods, or services on behalf of the organization.**



954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Mayor Sue Gunzburger

FROM: Andrew J. Meyers, Chief Appellate Counsel

DATE: October 25, 2011

RE: **Equality Florida Host Committee Chair**
CAO File: 11-49E (Outside Employment & Charitable Solicitations)

Your Senior Aide, Dee Platt, has asked whether you may serve as the Honorary Chair of the Equality Florida Host Committee ("Host Committee"). Equality Florida is a 501(c)(3) non-profit organization. The Host Committee is charged with organizing the Equality Florida 2011 Broward Gala. The event will be held on November 13, 2011.

Based on the above-stated facts, it is our opinion that you may serve as the Honorary Chair of the Host Committee. Serving as the Honorary Chair would not constitute conflicting "outside or concurrent employment" under the state or county ethics codes. However, even though you may not be directly soliciting any charitable contributions, your service on the Host Committee may encourage charitable contributions. In an abundance of caution, it is our opinion that you should complete the attached solicitation form and file it with the County Administrator for public inspection. See Section 1-19(b)(5)a.2., County Code of Ordinances.

If you need additional guidance regarding this matter, please contact me or Assistant County Attorney Richard Grillo.

/s/ Andrew J. Meyers
Chief Appellate Counsel

Joni Armstrong Coffey
County Attorney



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MEMORANDUM

TO: Commissioner Sharief

FROM: Andrew J. Meyers, Chief Appellate Counsel

DATE: October 25, 2011

RE: **Equality Florida Host Committee**
CAO File: 11-50E (Outside Employment & Charitable Solicitations)

Your Chief of Staff, Torey Alston, has asked whether you may serve on the Equality Florida Host Committee ("Host Committee"). Equality Florida is a 501(c)(3) non-profit organization. The Host Committee is charged with organizing the Equality Florida 2011 Broward Gala to be held on November 13, 2011.

Based on the above-stated facts, it is our opinion that you may serve on the Host Committee. Serving on the Host Committee would not constitute conflicting "outside or concurrent employment" under the state or County ethics codes. However, even though you may not be directly soliciting any charitable contributions, your service on the Host Committee may encourage charitable contributions. In an abundance of caution, it is our opinion that you should complete the attached solicitation form and file it with the County Administrator for public inspection. See Section 1-19(b)(5)a.2., County Code of Ordinances.

If you need additional guidance regarding this matter, please contact me or Assistant County Attorney Richard Grillo.

/s/ Andrew J. Meyers
Chief Appellate Counsel