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August 26, 2022

Mayor Joshua Rydell
City Commission, City of Coconut Creek
4800 W. Copans Road
Coconut Creek, FL 33063

RE: Seminole Casino Charity Poker Tournament Benefiting Irreverent Warriors Inc.

Dear Mayor Rydell:

You have been invited to attend and participate in a members only Seminole Casino Coconut Creek Charity Poker Tournament (Charity Event) held in the Coco Poker Room, located on sovereign land, on September 11, 2022. The Charity Event is being sponsored by the Seminole Tribe of Florida to benefit Irreverent Warriors Inc., an organization exempt under Internal Revenue Code Section 501(c)(3). The mission of Irreverent Warriors Inc. is to bring veterans together using humor and camaraderie to improve mental health and prevent veteran suicide. The Charity Event advertises "Special Guest Appearances" and attendees must be a Seminole Wild Card Member to be eligible for the \$150 buy-in and a chance to win \$10,000 in prizes and surprise bounties.¹ You have been invited to join the Poker tournament as a bounty. In addition, the Charity Event will serve breakfast bites and drinks for attendees. After the Charity Event, you have been invited to join other bounties and charity leadership for dinner at NYE Steak, the restaurant on site. If you have any reason to believe these facts are inaccurate or incorrect in any way, please let us know because it may affect my opinion.

Gift Analysis

The Broward County Ethics Code states that City Commissioners shall not "accept any gifts, 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., Broward County Code of Ordinances. Under Florida law, a "gift" includes food and beverages and entrance fees/admission to events. Section 112.312(12)(a)8. and 10., Fla. Stats. "Gift" does not include anything received for which equal or greater consideration is given by the recipient within 90 days (i.e. reimbursement). Section 112.312(12)(a), Fla. Stat.

A search of the City database reveals that the Seminole Tribe of Florida is a registered City vendor/contractor. The Seminole Tribe of Florida is also registered in the City's lobbyist database

¹ A bounty, in this context, is a special guest who will award a prize to the player that knocks them out of the Poker tournament. The prize will be provided by the Charity Event Sponsor.

RE: Seminole Casino Charity Poker Tournament Benefiting Irreverent Warriors Inc.

as a principal/employer of lobbyists. As such, you are precluded from accepting any gifts from them in excess of \$5.00. Accordingly, it is my opinion that you may attend and participate in the Charity Event as a bounty, so long as you meet the reimbursement obligation for the Poker tournament's \$150 buy-in and for the value of any food or beverages consumed above \$5.00 during the Charity Event or at dinner. In addition, any prize money or surprise bounties that you earn in the Poker tournament, through your skill as a player, must be returned to the Charitable Event Sponsor. We discussed that you will be paying for your own \$150 buy-in and that you will not attend the dinner, therefore, I see no issue with you participating in the event based upon these facts.

Charitable Solicitation Analysis

Further, since you are acting in your official capacity as the City's Mayor, and as a featured special guest at the Charity Event, your conduct may be interpreted as soliciting funds, goods, or services for the benefit of Irreverent Warriors Inc., ("Official Charitable Solicitation") pursuant to Section 1-19(c)(5)a.2., Broward County Code of Ordinances. You are permitted to engage in this conduct "so long as there is no quid pro quo or other special consideration, including any direct or indirect exchange of benefits between the parties to the Official Charitable Solicitation." Id. Thus, you cannot accept anything of value from Irreverent Warriors Inc.

Please be aware of a few limitations in the context of this particular Official Charitable Solicitation.² First, no affirmative expenditure of public funds is authorized; second, there must be no representation or implication made by you or your direct staff that this charitable solicitation has been approved or endorsed by the City Commission as a whole; and third, if the solicitation is directed to private individuals or for-profit entities, you may not use any staff or City resources, unless you obtain a written statement from the City Attorney's Office that the charitable solicitation "comports to applicable law, which statement must include a determination that the charitable solicitation serves a public purpose." Section 1-19(c)(5)a.4. and 5.a. & b., Broward County Code of Ordinances.

Last, you must disclose, on the Broward County form attached hereto, the name of the intended direct recipient(s) of the proceeds of the Official Charitable Solicitation, the event for which the funds or donations were solicited, the staff and resources used in connection with the Official Charitable Solicitation, as applicable, and the name of any individual or entity that requested your Official Charitable Solicitation. Section 1-19(c)(5)a.5.c., Broward County Code of Ordinances. The form must be filed with the City Clerk for public inspection within fifteen (15) days after the Charitable Event. Id.

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., Broward County Code of Ordinances. As always, please feel free to contact me with any questions or concerns.

Sincerely,


Terrill C. Pyburn
City Attorney

² These limitations apply when an Official Charitable Solicitation does not first receive formal approval from the City Commission.

cc: Vice Mayor Sandra L. Welch
Commissioner Becky Tooley
Commissioner Jackie Railey
Commissioner John A. Brodie
City Manager Karen M. Brooks
City Clerk Joseph J. Kavanagh

Encl. Broward County Elected Official Code of Ethics Charitable Solicitation Disclosure Form



**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.**