



Palm Beach County Commission on Ethics

Commissioners

Edward Rodgers, *Chair*
Manuel Farach, *Vice Chair*
Robin N. Fiore
Ronald E. Harbison
Bruce E. Reinhart

Executive Director

Alan S. Johnson

May 6, 2011

Sarah Alsofrom
Palm Beach County Education and Government Programming Advisory Board
301 N. Olive Ave.
West Palm Beach, FL 33410

Re: RQO 11-009
Gift Law

Dear Ms. Alsofrom,

The Commission on Ethics considered your request and rendered its opinion at a public meeting held on May 5, 2011. The opinion rendered is as follows:

YOU ASKED in your email on February 27, 2011, whether, as a member of the Palm Beach County Education and Government Programming Advisory Board (EGPAB), you could accept a ticket to an upcoming awards banquet from a friend who works for Florida Power and Light (FPL).

IN SUM, Section 2-244(b) of the Palm Beach County Code of Ethics specifically prohibits you from accepting a gift from any lobbyist, or any principal or employer of a lobbyist who lobbies your advisory board or any county department that is subject to your board's authority. You stated that FPL does not appear before your board nor does it lobby the Palm Beach County Public Affairs Department (PAD), the only county department associated with your advisory board. Based on the information you have provided, accepting a ticket from your friend valued at 125.00 dollars is reportable, but not prohibited.

THE FACTS as we understand them are as follows:

You serve on the Palm Beach County Education and Government Programming Advisory Board (EGPAB) that supervises Channel 20. You are not a reporting individual under state law. A friend, employed by FPL, offered you a ticket at FPL's table at an upcoming awards banquet. FPL, an employer of lobbyists, purchased a table for the event and paid for the tickets. If purchased individually, the tickets would cost one hundred and twenty-five dollars (\$125.00). FPL does not lobby EGPAB or the PAD, the county department subject to your board's authority. Prior to receipt of this advisory opinion, you informed commission staff that you have decided, in an abundance of caution, to not attend the awards ceremony as a guest of FPL.

THE LEGAL BASIS for this opinion relies on the following section of the Palm Beach County Code of Ethics.

Article XIII, Sec. 2-444. Gift Law.

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(b) No advisory board member, or any other person on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value greater than one hundred dollars (\$100.00) from any lobbyist, or any principal or employer of a lobbyist, *who lobbies the recipients advisory board, or any county department that is subject in any way to the advisory boards authority.* (emphasis added)

In this instance, the tickets were offered to you by an employee of FPL. FPL does not appear before your advisory board, nor does FPL have any contact with channel 20 or the PAD, the only department subject to the Education and Government Programming Board's authority. Therefore, based on the information you have provided, you may accept this gift; however, you must disclose it on your 2011 gift reporting form. The gift reporting requirement is as follows:

Article XIII, Sec. 2-444. Gift Law.

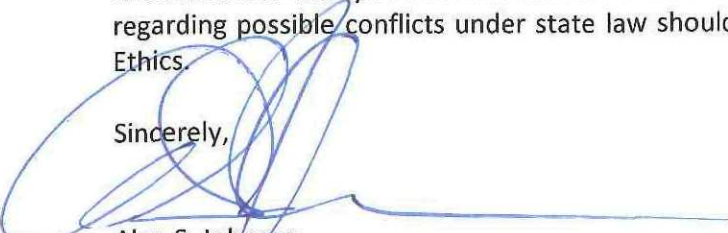
(d)(2) All other officials and employees. All other officials or employees who receive any gift in excess of one hundred dollars (\$100.00) shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year.

Section (d) requires that as an advisory board member you submit all reportable gifts in excess of one hundred dollars (\$100.00) on an annual disclosure report.

IN SUMMARY, notwithstanding your subsequent decision not to accept the ticket, the Palm Beach County Code of ethics does not prohibit you, in your capacity as an advisory board member, from accepting a ticket to an awards banquet valued at 125.00 from an entity that does not lobby your advisory board or any department subject to your board's authority. For a non state reporting individual, a gift received and valued in excess of 100.00 would need to be reported on the county yearly gift disclosure form due November 1, reflecting any reportable gifts received October 1 through September 30 for the previous year.

This opinion construes the Palm Beach County Code of Ethics and is based upon the facts and circumstances that you have submitted. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Sincerely,


Alan S. Johnson
Executive Director
ASJ/meb/gal

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