



Palm Beach County Commission on Ethics

Commissioners

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April 1, 2011

Kurt Bressner
City Manager- City of Boynton Beach
100 E. Boynton Beach Blvd.
P.O. Box 310
Boynton Beach, FL 33425-0310

Re: RQO 11-016

Dear Mr. Bressner,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics has been received and reviewed. The opinion rendered is as follows:

YOU ASKED in your email on March 31, 2011, whether a non-lobbyist sponsor of an annual dinner dance can invite the Mayor, other members of the City Commission of Boynton Beach, and their spouses to the event without violating the code of ethics gift prohibitions. Tickets cost \$100.00 per person.

IN SUM, Section 2-444 does not prohibit City of Boynton Beach Officials and their spouses from accepting tickets to an event, so long as the tickets are not donated by lobbyists, or principals or employers of lobbyists. City of Boynton Beach officials may not accept tickets with an aggregate value greater than \$100.00 from a lobbyist or principal or employer of a lobbyist. You stated that the table sponsor, Florida Power and Light Company (FPL), does not lobby the City of Boynton Beach Commission or other city officials. Based on the information you have provided, the gift of tickets to the Schoolhouse Children's Museum and Learning Center dinner dance is not a prohibited gift from a lobbyist and must only be reported if the value of the tickets to the members of the City Commission and their spouses exceeds one hundred dollars (\$100.00).

THE FACTS as we understand them are as follows:

You are the City Manager of Boynton Beach and requested an advisory option from the Commission on Ethics on behalf of the City of Boynton Beach Commission. The Children's Schoolhouse Museum and Learning Center is having its annual dinner dance on April 16, 2011. One of the table sponsors, FPL, wishes to invite the Mayor, the City Commission and their spouses to attend. City officials will not be involved in fundraising, are not being honored, and they will not be taking an active role in the program. Based upon the facts you submitted to commission staff, while FPL employs lobbyists at the state and county level, FPL does not lobby before the City of Boynton Beach Commission.

THE LEGAL BASIS for this opinion may be found in sec. 2-444 of the Palm Beach county Code of Ethics.

Article XIII, Section 2-444. Gift Law.

- (a) No [Boynton Beach] commissioner or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value greater than one



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hundred dollars (\$100.00) from any person or business entity that the recipient knows is a lobbyist or any principal or employer of a lobbyist.

In this instance, the tickets were offered to the City Commission by FPL. FPL does not lobby the City Commission. Therefore, based on the information that you have provided, the City Commissioners and Mayor may accept this gift. However if they attend the event with their spouses, they must disclose receipt of these tickets on their 2011 gift reporting forms.¹ The gift-reporting requirement is as follows:

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

(d) Gift Reports. Any official or employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift.

(1) *Gift reports for officials and employees indentified by state law as reporting individuals.* Those person required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, § 112.3148, as may be amended. A copy of each report shall be filed with the county commission on ethics.

Based upon the information that you have provided, one ticket valued at \$100.00 is not a reportable gift under the Palm Beach County Code of Ethics. However, a second ticket provided to a spouse or other individual on behalf of a member of the city commission is considered as having been provided with the intent to benefit the covered individual². Therefore, two tickets to the event costing \$200.00 would constitute a reportable gift under the code.

IN SUMMARY, The Palm Beach County Code of Ethics does not prohibit members of the Boynton Beach City Commission or the Mayor of Boynton Beach, from accepting tickets to the Schoolhouse Children's Museum dinner dance valued at \$100.00 from a table sponsor that does not lobby the city of Boynton Beach. Under the reporting requirements of the county code, should an official and their spouse attend, the resulting gift of \$200.00 should be reported.

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 conflict under state law should be directed to the State of Florida Commission on Ethics.

Sincerely,

Megan C. Rogers
Staff Counsel

MCR/gal

¹ CEO 91-04(for purposes of gift reporting, travel expense for official's wife are charged to official), CEO 05-05(official must report additional admission provided by city enabling official to invite his spouse).

² RQO10-024