



# 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

April 1, 2011

Lucia Bonivita  
Palm Beach County Board of County Commissioners  
301 N. Olive Avenue, 12<sup>th</sup> Floor  
West Palm Beach, FL 33401

Re: RQO 11-017  
Gift Law/ Gift Exceptions

Dear Ms. Bonivita,

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 and follow up phone call of March 31, 2011, whether a hotel stay paid for by your second cousin's hotel reward points is considered a gift, and if so, is there a requirement to report the gift.

IN SUM, gifts from relatives are excluded from the prohibitions and reporting requirements of the Palm Beach County Code of Ethics, however, the definition of relative includes only first cousins. The value of the hotel room is therefore a reportable gift.

THE FACTS as we understand them are as follows:

On a recent trip, your second cousin used her personal hotel points to pay for one night at each of two New York City hotels, the Sheraton Four Points Chelsea and the W Union Square. The advertised rate for the Sheraton Four Points Chelsea is \$149.00 and the rate for the W Union Square is \$299.00. You stated that your cousin is not a lobbyist or a principal or employer of a lobbyist.

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

- (e) For the purposes of this section, "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration.

Your lodging expenses for two nights in New York are considered a gift under the Palm Beach County Code of Ethics.



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Section 2-444(d) reads:

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

Under the Palm Beach County Code of Ethics, county employees must report gifts valued at over one hundred dollars on their annual gift reports due no later than November 1 for the previous reporting year, unless an exception applies. Gifts from certain members of employees' families are not subject to the reporting requirements; second cousins are not included in this exception.

The Commission on Ethics refers to Florida statute 112.3148(7)(e) since the Palm Beach County Code of Ethics is silent as to the exact manner of valuing gifts:

(e) Lodging provided on consecutive days shall be considered a single gift.

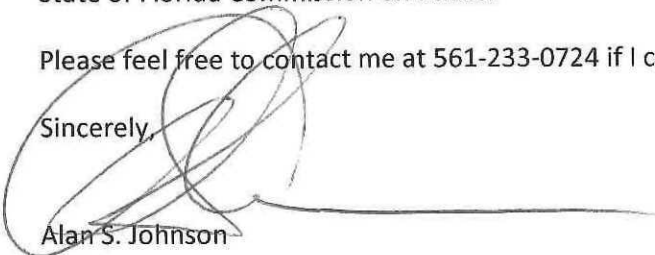
The advertised rate for the Sheraton Four Points Chelsea is \$149.00 and the rate for the W Union Square is \$299.00. Since lodging provided on consecutive days is considered a single gift, the total value of your stay per statute is \$448.00 dollars.

IN SUMMARY, based on the facts and circumstances submitted, two one-night hotel stays obtained for you by your second cousin using hotel points are a reportable gift and must be reported on an annual gift reporting form.

This opinion construes the Palm Beach County Code of Ethics ordinance, but 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.

Please feel free to contact me at 561-233-0724 if I can be of any further assistance in this matter.

Sincerely,

  
Alan S. Johnson  
Executive Director

ASJ/mcr/gal