



# 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

June 3, 2011

Burt Aaronson, Commissioner  
Palm Beach County, District 5  
301 N. Olive Avenue  
West Palm Beach, FL 33401

Re: RQO 11-024  
Gift Law

Dear Commissioner Aaronson,

The Palm Beach County Commission on Ethics (COE) considered your request for an advisory opinion, and rendered its opinion at a public meeting held on June 2, 2011.

YOU ASKED in your letter dated May 19, 2011, whether it is "appropriate" for you and you wife to attend, and for you to speak as an invited guest, at the Pre-Tournament Gala of the Seminole Region Club Managers Association Charity Golf Tournament, scheduled for June 12, 2011.

IN SUM, you are not prohibited under the Code of Ethics from attending this Pre-Tournament Gala with your wife as invited guests, provided that the Seminole Region Club Managers Association is not a vendor, lobbyist, principal or employer of a lobbyist for Palm Beach County. The value of the tickets to the Gala (\$400) is a reportable gift under Section 2-444(f)(1) of the Gift Law portion of the Palm Beach County Code of Ethics, and pursuant to applicable Florida Statutes.

THE FACTS as we understand them are as follows:

You are the elected Palm Beach County Commissioner for District 5. You are also an "honorary committee member" of the Seminole Region Club Managers Charity Golf Tournament. The Seminole Region of the Club Managers Association of Florida (SRCMA) puts on a yearly charity golf tournament to fund various charitable causes and groups. This year, the tournament is being held at the Boca West Golf Club. A Pre-Tournament Gala is being held at the clubhouse on June 12, 2011, and you have been invited to attend and speak at this event. The tickets to the Gala are valued at \$200 each and you were given two tickets to allow you to attend with your wife. The total value of your attendance at this Gala is \$400. You advised that the Club Managers Association of America does not employ lobbyists, nor does the Tournament Committee Chairman, who actually provided you with the tickets. Funds solicited or accepted

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by the charitable organization may have come from a vendor, lobbyist, principal or employer of a lobbyist. While the Code of Ethics does not prohibit the gift, you must take great care not to accept anything of value because of an "official action taken" or "duty performed", which would result in a quid pro quo in exchange for the tickets.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the Palm Beach County Code of Ethics (revised effective June 1, 2011):

### Sec. 2-444. Gift law.

(a)(1) No *county commissioner*, member of a local governing body, mayor or chief executive when not a member of the governing body, 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 of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.* (Emphasis added)

(2) No lobbyist, vendor or principal or employer of a lobbyist that lobbies the county or a municipality *shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is an official or employee of that county or municipality.* For the purposes of this subsection 2-444(a)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality. (Emphasis added)

(f) Gift reports. Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.

(1) *Gift reports for officials and employees identified by state law as reporting individuals.* Those persons 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.

(g) 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. Food and beverages consumed at a single setting or a meal shall be



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considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. (Emphasis added)

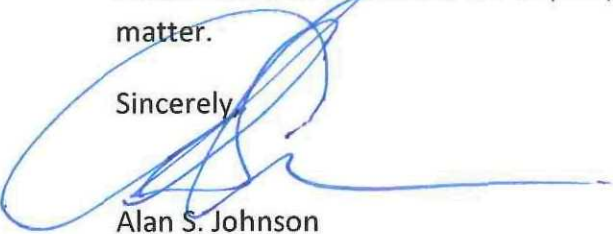
Under the current Code of Ethics, the prohibition against accepting gifts of a value of greater than \$100 extends only to lobbyists, and principals and employers of lobbyists. However, as of June 1, 2011, the revised Code of Ethics will be in effect. Because the event is scheduled for June 12, 2011, the revised code will govern your attendance at this event. Under the revised code, it is prohibited for you to accept a gift valued at greater than \$100 from any **vendor** of Palm Beach County, as well as any lobbyist, or principal or employer of any lobbyist who lobbies the county. COE staff checked county records and determined that SRCMA was not a vendor of the county.

IN SUMMARY, you are not prohibited from attending the Pre-Tournament Gala for the Seminole Region Club Managers Charity Golf Tournament or from accepting two complimentary tickets with a value of \$400, as long as they are not given to you by a vendor of Palm Beach County, or by a lobbyist, principal or employer of a lobbyist that lobbies Palm Beach County. However, under the Code of Ethics and state law, since the value of these tickets is greater than \$100, they are a reportable gift under the Palm Beach County Code of Ethics and applicable state law. Please keep in mind you may not accept anything of value because of an "official action taken" or "duty performed".

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 should you have any further questions in this matter.

Sincerely,



Alan S. Johnson  
Executive Director  
Commission on Ethics

ASJ/meb/gal