



Palm Beach County Commission on Ethics

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July 27, 2011

Jody Forsythe, Finance Director
Village of Tequesta
345 Tequesta Drive
Tequesta, FL 33469

Re: RQO 11-061
Gift Law

Dear Ms. Forsythe,

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.

In your email of July 22, 2011, you asked whether Village of Tequesta employees may attend an annual symposium presented by a vendor of the Village.

IN SUM, Tequesta employees are not prohibited from attending a symposium and lunch sponsored by a vendor of the village, so long as the cost of the event per person does not exceed \$100 and the gift is not accepted in exchange for the performance or non-performance of a legal duty or an official public action.

THE FACTS as we understand them are as follows:

You are the Finance Director for Tequesta and your department has been invited to attend an 8-hour educational training symposium presented by the Village's outside audit firm, Marcum LLP. The symposium is open to all governmental entities in South Florida and will address government accounting principles. The vendor, Marcum LLP, anticipates that the total cost of the seminar, including the room rental rate, speaker fee and lunch for all attendees will not exceed \$4,000 and approximately 150 to 200 employees will attend.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the Palm Beach County Code of Ethics.

Sec. 2-444(a)(1) of the gift law prohibits members of a local governing body or municipal employees, or any other person or business entity on his or her behalf, from soliciting or accepting a gift with a value of greater than \$100 in the aggregate for the calendar year from any vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to their municipality. Here, using the estimates provided to you by the vendor, the total cost per person will not exceed \$30.

Sec. 2-444(e) prohibits any public official or employee from accepting a gift of any value in exchange for the past, present and future performance or non-performance of a legal duty or official public action. As long as the gift does not violate this section, elected officials and city staff are not prohibited from accepting up to \$100 dollars in the aggregate, over the course of the calendar year, from a vendor, lobbyist or principal or employer of a lobbyist. Accordingly, Tequesta employees are not prohibited from attending the symposium and accepting lunch.

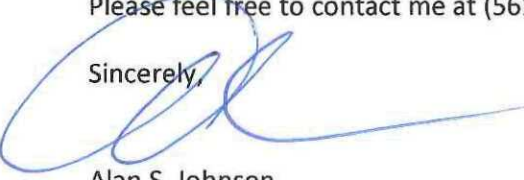
Sec. 2-444(g)(1)h. excludes from the definition of gift, *registration fees and other related costs associated with educational or governmental conferences or seminars and travel expenses either properly waived or inapplicable pursuant to §2-443(f), provided that attendance is for governmental purposes, and attendance is related to their duties and responsibilities as an official or employee of the county or municipality.*¹

IN SUMMARY, based on the information provided, Tequesta employee attendance at the upcoming symposium is related to their duties and responsibilities as employees of the Village. Accordingly, Tequesta employees are not prohibited from attending the symposium or from accepting lunch, so long as the requirements and limitations of the gift law are followed.

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

ASJ/mr/gal

¹ Since the cost of the event is less than \$100 we need not examine the nature of the conference in terms of its exemption from the gift law as an educational or governmental conference.