



# 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

November 23, 2011

Elizabeth Kennelly, Legal Assistant  
Weiner & Lynne, P.A.  
10 SE 1<sup>st</sup> Avenue, Suite C  
Delray Beach, FL 33444

Re: RQO 11-108  
Gift/Public Ticketed Event

Dear Ms. Kennelly,

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

YOU ASKED whether your firm, a co-sponsor of a public ticketed luncheon event with the Delray Beach Chamber of Commerce, may give tickets to public employees and officials valued at \$20, without violating the Palm Beach County Code of Ethics, and if so, does your firm have an obligation to fill out gift or lobbying forms.

IN SUM, provided the total value of the tickets given to any individual public employee does not exceed \$100 and further, that the gift is not in exchange for the past, present or future performance or non-performance of a public action or legal duty, the code does not prohibit the gift.

THE FACTS as we understand them are as follows:

Weiner & Lynne, P.A. (the Firm) is sponsoring a luncheon event with the Delray Beach Chamber of Commerce. As co-sponsors, you plan to distribute a number of tickets to invited guests. Some of the guests will be public employees and officials, including Delray Beach and Palm Beach County. The event is open to the public and the ticketed price is \$20 per person and the cost of the luncheon will not exceed the ticketed price. Members of your firm are registered as lobbyists within the county. As lobbyists, you are subject to Code of Ethics gift law regulations.

The purpose of the luncheon is to discuss the upcoming Florida legislative session. Attendees have either purchased their ticket or have been individually invited as a guest. The value of the tickets given away per person will not exceed \$100. The tickets are not being offered as a quid pro quo or in exchange for the performance or non-performance of a public act or legal duty.

THE LEGAL BASIS for this opinion is found in the following relevant section of the revised Palm Beach County Code of Ethics:

Section 2-444(a)(1) prohibits an elected official or public employee from accepting gifts with a value, annually in the aggregate, in excess of \$100, from a vendor or lobbyist who lobbies, sells or leases to the official or employee's public employer. In addition, §2-444(b)(1) prohibits a lobbyist or vendor from giving such a gift to someone they know is a public official or employee of a government entity with which they vend or lobby.

Section 2-444(e) prohibits the giving or accepting a gift because of an official public action, performance, non-performance or violation of a legal duty.

Gifts that do not exceed \$100 in value are not prohibited by the code unless given as a quid pro quo for official action. The cost of your event does not exceed \$20 per person and no individual will receive tickets of a value in excess of \$100. The luncheon is informational and you advise that there is no exchange based upon performance, non-performance or violation of a public act or legal duty.

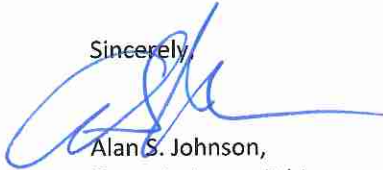
The County Lobbyist Registration ordinance, §2-353(d), requires lobbying expenditures in excess of \$25 to be reported on an annual lobbyist expenditure report.<sup>1</sup>

IN SUMMARY, based upon the facts and circumstances you have submitted, the Palm Beach County Code of Ethics does not prohibit you from giving luncheon tickets of a value of \$100 or less to public officials or employees.

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,  
Commission on Ethics

ASJ/gal

---

<sup>1</sup> At the time of this opinion, the Lobbyist Registration Ordinance applies only to Palm Beach County Government. A county-wide ordinance has been drafted by the County and League of Cities which is scheduled for consideration by the Board of County Commissioners in December, 2011.