

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**COMMISSIONER ADVISORY OPINION REQUEST FORM**  
(Pursuant to Sec. 1-19(c)(8) of Broward County Code of Ethics for Elected Officials)

Date: 2/11/14

Requesting Commissioner: Mark Brown

Question:

The forms reporting the amount and kind of ethics training I attended this year are attached.

Does this training satisfy my obligations under the Broward County ethics ordinance to date?

A handwritten signature in cursive script that reads "Mark Brown". The signature is written in black ink and is positioned above a horizontal line.

Commissioner Signature

(c) *Standards of Conduct.* In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply to each Elected Official.

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(8) *Advisory Opinions.*

a. Any Elected Official may request an advisory opinion about how the Broward County Elected Official Code of Ethics applies to his or her own situation. Requests for opinions from County Commissioners shall be made to the Broward County Attorney or to the County Attorney's designee. Requests for opinions from Municipal Officials shall be made to the municipality's chief attorney or to that attorney's designee. Requests for opinions shall be considered only if in writing and signed by the Elected Official or by his or her office staff. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion. If at any time after receipt of a request, the advising attorney believes that additional information is needed, the Elected Official requesting the opinion shall be notified and shall furnish such additional information.

b. Until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for the advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official's action may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official's action complies with state or federal ethics requirements.

# Memo

To: Mark Brown, Commissioner, Town of Lauderdale-By-The-Sea

From: Susan L. Trevarthen, Town Attorney  
Robert A. Meyers, Assistant Town Attorney

Cc: Connie Hoffmann, Town Manager

Date: February 11, 2014

Re: Adequacy of Training Obtained in 2013  
Town Attorney Opinion (TAO): 14-1C (Training)

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**Facts:** You have filed forms certifying that you have taken nine and a half (9.5) hours of public service ethics training under Section 1-19 of the Broward County Code of Ordinances (the "County Ordinance") in 2013, the second year of your term. You were elected as Commissioner and began a four-year term of office on February 14, 2012. The anniversary of the beginning of your term is February 14, 2014.

You previously received Town Attorney Opinion TAO 12-10C approving your ethics training for your first year in office, and advising you that your requirement should be calculated based on the anniversary of the date you took office. That opinion also advised that training in sunshine law and public records issues qualifies as public service ethics training, and that you can record a scheduled hour of training even if the training is shorter than a full sixty minutes

**Question:** You wish to know whether the training that you have obtained in 2013 is sufficient to satisfy the requirements of the County Ordinance for your second year of your term of office.

**Analysis:**

**1. Satisfaction of Your Training Obligation**

*A. Scope of Training*

The training in public records, sunshine law issues and other public service ethics issues described on your forms qualifies as public service ethics training under the County Ordinance.

*B. Amount of Training*

You attended public service ethics training sessions throughout 2013 offered by the Town Attorney, the League of Cities, totaling 9.5 hours. This more than satisfies your eight-hour requirement.

**Answer:** The training you have reported satisfies your obligations for public service ethics training under the County Ordinance.

Assuming that you have disclosed all of the pertinent facts to us, you may use this opinion as a “safe harbor” under the County Ordinance should any questions arise concerning the Opinion provided herein. If you need any additional assistance regarding this matter, please contact us.

**Limitations:** This Opinion is provided pursuant to Subsection 8 of the County Ethics Code, which allows an Elected Official to request an advisory opinion about how the Code applies to his or her own situation. “Requests for opinions shall be considered only if in writing and signed by the Elected Official or by his or her office staff. Requests for opinions shall state all material facts necessary for the advising attorney to understand the circumstances and render a complete and correct opinion.” In addition, “until amended or revoked, an advisory opinion rendered pursuant to this section shall be binding on the conduct of the Elected Official covered by the opinion unless material facts were omitted or misstated in the request for advisory opinion. If the Elected Official acts in accordance with a binding advisory opinion, the Elected Official’s conduct may not be found to be in violation of the Broward County Elected Official Code of Ethics. However, any opinion rendered under this section shall not be binding as to whether the Elected Official’s action complies with state or federal ethics requirements.”