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AGREEMENT (Complaint Nos. 2020-F and 2020-G)

The Ethics Commission has reviewed the facts surrounding the trip, by plane, to Atlanta for an Atlanta Braves professional baseball game on October 4, 2019 at the Atlanta stadium. City officials participated in the trip hosted by Conventus (Principals: Tim Baker and Sam Mousa, registered City of Jacksonville lobbyists). City officials are legally allowed to receive a gift from a registered lobbyist up to \$100.

Tim Baker asserts that he informed the City officials of the value of the trip as follows:

- CAO Brian Hughes: Verbal communication on the date of the trip of a \$400 value; paid in cash by CAO Hughes on the date of trip. Conventus sent a receipt to CAO Hughes.
- Mayor Lenny Curry: Verbal communication on the cost prior to the trip; in October, an in-kind contribution was made for travel by Conventus to a Tallahassee PAC (Conservatism Counts) in the amount of \$400 as Conventus asserts Mayor Curry was traveling in relation to political activities. Subsequently, Mayor Curry also sent a personal check to Conventus in December in the amount of \$400 to cover the costs of his trip.
- Aaron Zahn (former CEO of JEA): Verbal communication prior to the trip; Mr. Zahn computed the trip value on his own in the amount of \$750 and sent payment through Venmo to Mr. Baker's personal account.
- CM Scott Wilson: Mr. Baker asserts that CM Wilson was notified of the costs of the excursion on the date of the trip. CM Wilson asked Mr. Mousa for an invoice for the trip on December 17 and was sent one January 3, 2020 in the amount of \$400 which CM Wilson paid by check.

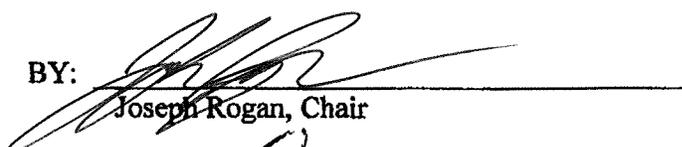
The Jacksonville Ethics Commission considered self-initiating a complaint on the basis that the total value of the Atlanta trip was \$786, not \$400 because of the valuation of the airfare. The Florida law pertaining to valuation of travel in a private plane is F.S. 112.3148(7d): "Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance". This is further defined in the administrative rules of the State Ethics Commission in Rule 34-13.500: "Where the gift is transportation in a private airplane, the transportation shall be given the same value as an unrestricted coach fare". The Jacksonville Ethics Commission considered self-initiating a complaint on the basis that the cost of an unrestricted coach fare (Atlanta/Jacksonville) on 10/4/19 was \$586. The value of the ticket to the game was \$140, and the admission to the Stadium's Delta Club was \$50; ground

transportation was \$10. Total Value of the Trip: \$786. Since City officials are legally allowed to receive a gift from a registered lobbyist up to \$100, the minimum additional amount due from each official is \$686 minus any prior payments (\$400), or \$286.

CM Wilson and CAO Hughes each have paid an additional \$350 to Conventus for the difference in costs. Conventus agrees to pay \$1,400 to the First Coast Relief Fund (financial assistance for the pandemic). Messrs. Baker and Mousa also agree to work with the Jacksonville Ethics Commission on developing ordinance code revisions that will clarify responsibilities of lobbyists and officials for gifts of travel and events. All parties are to assume their own costs and attorney's fees.

Messrs. Baker and Mousa assert they attempted to comply with the ethics laws, and did not intend to offer any reporting official a gift, regardless of the ultimate cost of an unrestricted airfare. In light of their cooperation, the Jacksonville Ethics Commission determined not to self-initiate a complaint against Messrs. Baker and Mousa, and the matter will be closed automatically upon receipt by the Ethics Director of written evidence that Conventus paid \$1,400 to the First Coast Relief Fund. The Jacksonville Ethics Commission cautions all of the parties who attended the Atlanta game to be aware not only of the law governing receipt of gifts, but the public perception of these activities.

JACKSONVILLE ETHICS COMMISSION

BY: 

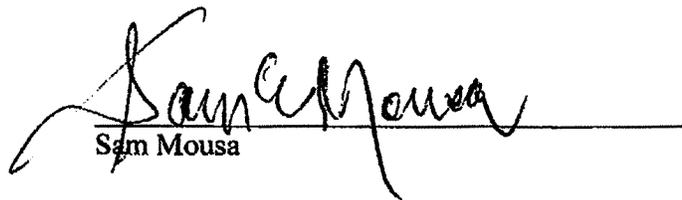
Joseph Rogan, Chair

WITNESS:  10/7/20

Carla Miller, Ethics Director

Vote (9/30/20): In Favor: 7 Opposed: 0


Tim Baker


Sam Mousa