



**Palm Beach County**  
**Commission on Ethics**  
300 North Dixie Highway  
West Palm Beach, FL 33401  
561.355.1915  
FAX: 561.355.1904  
**Hotline: 877.766.5920**

**E-mail:**  
[ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)

**Commissioners**  
Salesia V. Smith-Gordon, Chair  
Michael S. Kridel, Vice Chair  
Michael F. Loffredo  
Carmine A. Priore  
Clevis Headley

**Executive Director**  
Steven P. Cullen

**Intake Manager**  
Gina A. Levesque

**Staff Counsel**  
Christie E. Kelley

**Senior Investigator**  
Mark E. Bannon

**Investigator**  
Anthony C. Bennett

# *Agenda*

August 7, 2014 – 1:30 pm  
Governmental Center,  
301 North Olive Avenue, 6<sup>th</sup> Floor  
Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Introductory Remarks
- IV. Approval of Minutes from June 5, 2014
- V. Processed Advisory Opinions (Consent Agenda)
  - a. RQO 14-013
  - b. RQO 14-014
  - c. RQO 14-017
  - d. RQO 14-018
  - e. RQO 14-019
  - f. RQO 14-020
  - g. RQO 14-021
- VI. Items Pulled from Consent Agenda
  - a.
- VII. Proposed Advisory Opinions
  - a. RQO 14-015
  - b. RQO 14-016
- VIII. Discussion re: Website traffic and Social Media
- IX. Discussion re: Workshop
- X. Executive Director Comments
  - a. Complaint Process Comparison Chart
  - b. Ethics Summit Update
  - c. Case Statistics
- XI. Commission Comments
- XII. Public Comments
- XIII. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**OFFICIAL MEETING MINUTES  
OF THE  
PALM BEACH COUNTY COMMISSION ON ETHICS  
PALM BEACH COUNTY, FLORIDA**

**JUNE 5, 2014**

**THURSDAY  
1:30 P.M.**

**COMMISSION CHAMBERS  
GOVERNMENTAL CENTER**

**I. CALL TO ORDER**

**II. ROLL CALL**

**MEMBERS:**

Salesia V. Smith-Gordon, Chair  
Michael S. Kridel, Vice Chair  
Clevis Headley  
Michael F. Loffredo  
Carmine A. Priore – Arrived Later

**STAFF:**

Mark E. Bannon, Commission on Ethics (COE) Senior Investigator  
Anthony C. Bennett, COE Investigator  
Steven P. Cullen, COE Executive Director  
Christie E. Kelley, COE Staff Counsel  
Gina A. Levesque, COE Intake Manager

**ADMINISTRATIVE STAFF:**

Dominique Marseille, Deputy Clerk, Clerk & Comptroller's Office

**III. INTRODUCTORY REMARKS**

Chair Salesia Smith-Gordon requested that cell phones were silenced or placed on vibrate.

**IV. APPROVAL OF MINUTES FROM MAY 1, 2014**

**MOTION to approve the May 1, 2014, minutes. Motion by Michael Kridel, seconded by Michael Loffredo, and carried 4-0. Carmine Priore absent.**

**(CLERK'S NOTE: Commissioner Carmine Priore joined the meeting.)**

**V. LEGISLATIVE UPDATE BY TODD BONLARRON**

Todd Bonlarron, Legislative Affairs Director, said that:

- Senate Bill 846, which was passed, made it clear that elected officials around the State would be required to have at least four hours of ethics training. The bill also dealt with disclosures and voting conflicts.
- Water management districts in the State would be required to have a lobbyist registration system.
- The Office of Program Policy Analysis and Government Accountability (OPPAGA) report that was released was brought forward by the Joint Auditing Commission.
  - The OPPAGA report contained multiple suggestions about the County's Commission on Ethics (COE) particularly in regards to procedure and process.
  - The report was reviewed and input was provided to Senator Joseph Abruzzo and his staff to discuss concerns.
  - The main concern regarding the COE was related to due process, and how individuals were treated during the findings process as opposed to appearing before the board.
  - Legislation was following the OPPAGA report; however, it was later withdrawn from the current session.
- The County was asked to take the lead in developing a County ethics summit for August 2014. The summit would include the COE, three ethics commissions from around the State, and the State Commission on Ethics.

## V. – CONTINUED

- The summit would be held to discuss and share ideas concerning ethics, best practices, and legislation.

Chair Smith-Gordon said that she understood that the COE did provide due process, as in a court of law.

Mr. Bonlarron continued:

- An issue that came up with legislators concerning the COE was that the same people on the commission determined a prehearing, reviewed evidence, decided whether or not they would charge someone, and concluded if the person was guilty or not based on findings.
- The COE's lack of separation when it came to reviewing initial information about an issue, and determining whether a person was guilty of the findings was a problem for legislators.
- He believed that legislators wanted an individual to have as many opportunities for due process as was available in the court system.

Commissioner Michael Kridel suggested that if a question of due process concerning the COE came about, similar questions should be directed to the Department of Business and Professional Regulation's (DBPR) process. He said that complaints handled by the DPBR were reviewed for legal sufficiency, probable cause, and received a final decision by the same group of people. He added that the COE's process was consistent with other forms of regulation in the State.

Mr. Bonlarron said that as his staff developed the 2015 legislative program, they would work with the COE and its executive director to determine what should be incorporated into the program.

Commissioner Priore said that mirroring the State COE's was more appropriate to legislators than following the County's COE procedures.

## V. – CONTINUED

Mr. Bonlarron said that he believed Senator Abruzzo and Representative Lake Ray wanted to find the best way to conduct the process, and whether improvements could be made in other local COEs.

Steven Cullen, COE Executive Director, said that staff was in the process of conducting a comparison of the various commissions around the State. He added that a spreadsheet detailing information about other commissions would be provided.

Chair Smith-Gordon said that she was concerned about the continuous statement of due process because it implied that the COE was not abiding by such a process.

Mr. Bonlarron said that:

- He just wanted to communicate the feedback received from the legislation session.
- The legislation that was withdrawn could be reviewed to see if any other ideas concerning process emerged or if the COE's process was acceptable.
- Any changes made by the State that became law, would require modifying the local ordinance.
- Fiscal issues may be involved with any changes, since separate hearing officers might be part of a new process.
  - Changes could cost thousands of dollars depending on the number of cases.

Commissioner Priore asked whether there would be a determination to qualify groups or individuals that could teach the four-hour course referred to in Senate Bill 846.

## V. – CONTINUED

Mr. Bonlarron continued:

- Senate Bill 846 may give private providers the opportunity to conduct ethics training.
- The COE could have a strong role in being a provider of training for local municipal officials; however details concerning the bill were still in development.
- The Florida Association of Counties and The Palm Beach County League of Cities (LOC) engaged in a program that provided training for local elected officials.
- Senator Abruzzo and Representative Ray wanted County staff to spend the summer reviewing ethics ordinances around the State and develop potential solutions.

Chair Smith-Gordon said that she hoped Mr. Bonlarron would communicate to Senator Abruzzo and Representative Ray that the COE had a great deal of knowledge and expertise in the area of ethics training.

Commissioner Priore said that the LOC's main conference would be held August 2014, and he hoped that would be considered when arranging the ethics forum date.

Mr. Bonlarron said that:

- Senator Abruzzo's office was in the process of sending out requests to each of the State's COEs with date availabilities.
- The Senator's office would compile the available dates of all three COEs.
- The ethics forum would be an open public meeting and properly noticed so that Sunshine Law issues would not exist.
- He believed that anyone who wanted to participate in the forum, whether they were an executive director or commissioner, could do so.

## **V. – CONTINUED**

Kimberly Diaz, Chief of Staff for Senator Abruzzo, said that his office was grateful to see all the changes completed after the release of the OPPAGA report. She added that the senator and his office were looking forward to working with the COE through the summer to help create the first legislative ethics summit in August 2014.

**PUBLIC COMMENT:** Alexandria Larson.

**VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA) – None**

**VII. ITEMS PULLED FROM CONSENT AGENDA – None**

**VIII. PROPOSED ADVISORY OPINIONS**

**VIII.a. RQO 14-010**

Christie Kelley, COE staff counsel, said that:

- The vice mayor of the City of Pahokee (City) asked if funds she solicited for a nonprofit organization’s yearly luncheon needed to be reported pursuant to the County Code of Ethics.
- Staff submitted the following for COE review:
  - As an elected official she was identified by State law as a State reporting individual for purposes of gift reporting, and was required to comply with the law.
  - According to the County Code of Ethics, she was allowed to solicit funds on behalf of nonprofit organizations from anyone as long as they did not have a pending application or award of any nature before the City.
  - The vice mayor could not use any staff or resources to solicit contributions.

### **VIII.a. – CONTINUED**

- Any solicitation must be disclosed, and the solicitation form must contain the name of the nonprofit organization, the event for which the funds were solicited, the name of any person or entity that was contacted, and the amount of funds solicited.
  - The solicitation form must be filed with the COE within 30 days after the event, or, if it is not related to an event, it must be submitted within 30 days from the date of the solicitation.
  - She could not use her position in any manner that would result in a special financial benefit to her or to a nonprofit organization where she serves as an officer or a director.
  - Lending her name or official title to a fundraising effort would constitute using her official position to give a special financial benefit to the organization.
  - In order to avoid violating the County Code of Ethics, any solicitation made by the vice mayor should exclude any reference to her public title.
- The opinion was based solely on the vice mayor’s personal solicitation.

Chair Smith-Gordon suggested that the letter sent to the vice mayor include the solicitation form that she would need to complete.

**MOTION to approve proposed advisory opinion RQO 14-010. Motion by Clevis Headley, seconded by Michael Kridel, and carried 5-0.**

### **VIII.b. RQO 14-011**

Ms. Kelley said that:

- A County Fire Rescue employee asked if a prohibited conflict of interest existed if his outside business bids for and was awarded a County contract.



### VIII.b. – CONTINUED

- Staff submitted the following for COE review:
  - The employee may not use his official position to give or influence others to give him or his outside business a special financial benefit.
  - The County Code of Ethics prohibits him or his outside business from contracting with the County, unless one of several exceptions applies.
  - Based upon the information that he provided, as an owner of the outside business, he was not eligible for a part-time employment waiver, his business was not the sole source of signage in Palm Beach County, and the signs would not constitute an emergency purchase.
- There were two potential exceptions that would allow him a contract with the County without violating the code's contractual relationship prohibition.
- Section 2-443 (e)(1), provided an exception for contracts entered into under a process of sealed competitive bidding, where his outside business was the lowest bidder, provided the following applied:
  - He did not participate in the bid specifications or determination of the lowest bidder;
  - He did not use his position in any way to influence the award; and,
  - He filed a statement with the Supervisor of Elections and the COE disclosing the nature of his interests in the business prior to submitting the bid.
- If each bid submission fully complied with the requirements, the code did not prohibit him or his outside business from contracting with the County.

### **VIII.b. – CONTINUED**

- Section 2-443 (e)(4) also provided an exception, when the total amount of the contracts or transactions in the aggregate between the employee's outside business and the employee's public employer did not exceed \$500 per calendar year.
- If the total amount of his outside businesses' contracts or transactions with the County did not exceed \$500 in the aggregate, then he was not prohibited from contracting with the County.

**MOTION to approve proposed advisory opinion RQO 14-011. Motion by Michael Kridel, seconded by Clevis Headley, and carried 5-0.**

### **VIII.c. RQO 14-012**

Ms. Kelley said that:

- A commissioner for the City of South Bay asked whether it would be a prohibited conflict of interest for him to vote on matters involving the Okeelanta Corporation, since that corporation was his former employer and contributed toward a pension plan which currently paid his retirement benefits.
- Staff submitted the following for COE review:
  - Based on the facts submitted, the commissioner was not prohibited from voting on matters involving the Okeelanta Corporation as long as the matters did not involve issues that would affect his pension benefits and result in a special financial benefit to him.
  - The County Code of Ethics prohibited him from using his official position, in a manner that would result in a special financial benefit to himself or his outside employer.
  - The Okeelanta Corporation was no longer considered his outside employer since he was retired; therefore, he would only be prohibited from voting on a matter involving the corporation if it resulted in a special financial benefit to him.

### **VIII.c. – CONTINUED**

- The commissioner’s responsibility to comply with the code of ethics was ongoing, since the issues that he may be called to vote upon were speculative.
- Best practices dictated that the commissioner carefully review each issue coming before the city commission to ensure that his participation and vote complied with the code of ethics.
- If a conflict existed, which would result in him receiving a special financial benefit regarding his pension benefits or any other matter within the purview of the code of ethics, he would need to do the following:
  - Publicly disclose the nature of the conflict before the city commission discussed the matter;
  - Abstain from voting on the matter; and,
  - File a State voting conflict form.

Chair Smith-Gordon asked why the inquiry was speculative.

Ms. Kelley said that when she followed up with the commission, it did not have anything on an upcoming agenda concerning the Okeelanta Corporation. She added that the commissioner wanted to know the proper steps to take if an item were to appear before the city commission.

**MOTION to approve proposed advisory opinion RQO 14-012. Motion by Michael Kridel, seconded by Clevis Headley, and carried 5-0.**

### **IX. EXECUTIVE DIRECTOR COMMENTS**

#### **IX.a.**

**DISCUSSED:** Model Disclosure Form.

Mr. Cullen said that the model disclosure form that was before the commission last month was revised by staff. He added that staff was working with the LOC to make a comprehensive instruction sheet.

**X. COMMISSION COMMENTS – None**

**XI. PUBLIC COMMENTS**

**XI.1.**

**DISCUSSED:** Inspector General Selection.

Anne Kuhl said that she had questions and comments regarding the interview process for the Inspector General (IG).

As a point of order Mr. Cullen stated that the COE was not sitting as the Inspector General Committee (IGC).

Chair Smith-Gordon said that Ms. Kuhl could make her comment; however, it would be improper for the COE to answer her questions concerning the IGC. She added that Ms. Kuhl could make her comments about the IG at the next IGC scheduled meeting.

Ms. Kuhl said that:

- She was concerned with the following:
  - John Carey mentioned that he did not really deal with the news media, since everything was classified; therefore, the public would not know what investigations were being done.
  - Mr. Carey spent a lot of time in the County, which may have caused someone to lobby the IG selection panel before he was chosen.
  - Four members of the selection panel waived their follow-up questions during Mr. Carey's interview process.
- She wanted to know the main reason why Mr. Carey rose to the top during the interview process.

**XI. – CONTINUED**

**XI.2.**

**DISCUSSED:** Inspector General Selection.

Alexandria Larson said that she was also concerned about the IG selection process; however, she would present her questions at the next IGC meeting.

Chair Smith-Gordon said that the COE members were volunteering their time and committing themselves to making the County a better place.

**XII. ADJOURNMENT**

**MOTION to adjourn the meeting. Motion by Michael Kridel, seconded by Carmine Priore, and carried 5-0.**

**At 2:21 p.m., the chair declared the meeting adjourned.**

APPROVED:

\_\_\_\_\_  
Chair/Vice Chair

# V Processed Advisory Opinions

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## **RQO 14-013 Nancy Byrne**

The Director of Development for the City of Boynton Beach asked if employees of the City of Boynton Beach, who are eligible property owners, may participate in the City's Energy Edge Energy Efficiency Rebate Program, which is available to any resident of the City who meets the eligibility requirements.

Staff submits the following for COE review: City employees are not prohibited from participating in the Energy Edge Energy Efficiency Rebate Program because the rebate program applies to all similarly situated residents of the City. A discount available to all similarly situated City residents does not violate the Code of Ethics, provided that no "quid pro quo" or other benefit is offered or accepted because of any official public action taken, or legal duty performed or violated, by a public official or employee. A gift is defined as "the transfer of anything of economic value." A rebate is unquestionably a thing of economic value. However, the Code of Ethics excludes certain transfers of economic value from the definition of a gift. One of these exceptions is a publicly advertised offer made available to the general public. Here, because the rebate program is a publicly advertised offer made available to the general public, it is not considered a gift under the Code of Ethics. The employee's public status bears no relationship to eligibility for the rebate, and, therefore, any rebate received is not a reportable gift.

## **RQO 14-014 Ron Jarriel**

The Vice Mayor of the Town of Loxahatchee Groves asked if he is allowed to keep the fill that was taken out of a Town canal by the Loxahatchee Groves Water Control District and placed on his property.

Staff submits the following for COE review: The Vice Mayor is not prohibited from keeping and using the fill that was taken out of a Town canal by the Water Control District and placed on his property. The Code of Ethics prohibits the Vice Mayor from using his official position in a manner which would result in him receiving a special financial benefit not shared with similarly situated members of the general public or to corruptly secure a special benefit. The Code of Ethics also prohibits the Vice Mayor from using information not available to members of the general public and gained by reason of his official position. Under the facts submitted, since he contacted the Water Control District in his personal capacity to inquire about the fill, as did two other landowners who also received the fill, and the amount of fill available for the public was so small that it was distributed on a first-come, first-served basis, there is no indication that he used his official position as Vice Mayor to obtain the fill for his property.

## **RQO 14-017 Megan Rogers**

The Assistant Village Attorney for the Village of Wellington asked if the Palm Beach County Lobbyist Registration Ordinance requires registered lobbyists to disclose their lobbyist status on the record or on a Village of Wellington comment card if they are appearing in their personal capacity as residents or as members of an organization, and if it is not required, if the Village of Wellington is prohibited from requiring such disclosure.

Staff submits the following for COE review: The Palm Beach County Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status when they are appearing in their personal capacity as residents or as members of an organization, as long as the agenda items on which they are commenting does not pertain in any way to a principal they represent in exchange for compensation. However, the Palm Beach County Lobbyist Registration Ordinance does not prohibit the Village of Wellington from imposing a stricter standard of conduct upon registered lobbyists. Registered lobbyists must comply with the rules or other policies and procedures that the Village of Wellington imposes as long as those procedure are not in conflict with the Palm Beach County Lobbyist Registration Ordinance.

**RQO 14-018 Noel Pfeffer**

The former interim City Attorney for the City of Delray Beach asked if the former acting Delray Beach City Manager, who retired from City employment on June 16, 2014, could accept the use of a City vendor's condominium after retirement.

Staff submits the following for COE review: The former acting City Manager is not prohibited from accepting the use of a City vendor's condominium after retirement so long as it was not in exchange for the past, present or future performance of an official act or legal duty while he was still employed with the City. The Code of Ethics prohibits public employees from using their official position in a manner which would result in them receiving a special financial benefit not shared with similarly situated members of the general public or to corruptly secure a special benefit. Public employees are also prohibited from accepting any gift of any value as a quid pro quo or in exchange for the performance or non-performance of an official action or legal duty. However, once the City Manager retired, he was no longer under the jurisdiction of the Code of Ethics. Here, because the use of the condominium will take place after his retirement from the City and he did not use his official position to obtain this arrangement, he is not prohibited from accepting it.

**RQO 14-019 John Randolph**

The Town Attorney for the Town of Palm Beach asked if Edward Cooney, a member of the Landmarks Preservation Commission of the Town of Palm Beach, is prohibited from voting on the Certificate of Appropriateness application filed by the Town of Palm Beach for renovations to the Town Hall Historic District because he is a part-time employee at the Buccan Restaurant, a restaurant within the Historic District area.

Staff submits the following for COE review: Edward Cooney is not prohibited from voting on the Certificate of Appropriateness for renovations in the District because there is no special financial benefit to the Buccan. The Code of Ethics prohibits public officials from using their official position, by participating or voting on an issue, to give their outside employer a special financial benefit not shared with similarly situated members of the general public. Whether a matter rises to the level of prohibited conduct with a voting conflict turns on whether a special financial benefit is shared with similarly situated members of the general public. Financial benefit constitutes economic gain or loss, and the possibility of a financial gain must be direct and immediate, rather than remote and speculative. For a financial benefit to be "special", the benefit must be unique to the Buccan, rather than benefiting the Town of Palm Beach as a whole.

Here, any financial benefit attributable to the Buccan is shared with similarly situated businesses in the District and does not constitute a unique circumstance. The renovation of the District area will affect all the businesses in the District in the same way. The additional parking spaces will be for public parking and not reserved for the restaurant's customers. Because all existing similarly situated businesses in the District area would be affected equally by the renovations, there is no prohibited special financial benefit.

#### **RQO 14-020 Gloria Taylor**

A County employee asked if her spouse is prohibited from purchasing advertising on the County's internal website.

Staff submits the following for COE review: The County employee's spouse is not prohibited from purchasing advertising on the County's internal website so long as the fee he pays for the advertising is the same amount that any other businesses would pay. The Code of Ethics prohibits a public employee from using her official position in any way when she knows or should know that it would give a special financial benefit to her spouse or the spouse's outside employer or to corruptly secure a special benefit for any person. Whether a matter rises to the level of a prohibited conduct turns on whether a special financial benefit is shared with similarly situated members of the general public. Financial benefit constitutes economic gain or loss, and similarly situated means that everyone affected by a decision benefits in the same way. For the financial benefit to be "special", the benefit must be unique to your husband or his outside employer. Here, since the opportunity to purchase advertising on the internal website is available to any business, there is no special financial benefit to your husband or his outside employer.

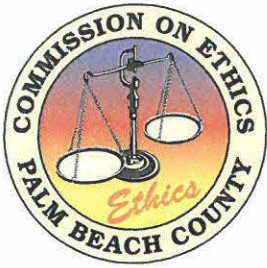
#### **RQO 14-021 Myila Young**

An employee of the Town of Lantana asked if her fiancé, who works as a marketing coordinator for a business, may provide a free catering order to the Town Hall for Town of Lantana employees to share, and if he is allowed to provide this gift, what implications would it have on the Town employees who receive it.

Staff submits the following for COE review: Since Jersey Mike's Subs is not a vendor of the Town, her fiancé does not fall under the jurisdiction of the Code of Ethics. Therefore, he is not prohibited from providing a free catering order to the Town employees to share as long as other businesses in the area will also receive free food. However, as a public employee, she will have an ongoing responsibility to refrain from using her official position to corruptly secure a special benefit for him. This would include any improper action involving the awarding of Town business to her fiancé's employer.

Although the Code of Ethics prohibits employees from accepting gifts of any value if given for the past, present or future performance of a public act or legal duty, a general gift that is not tied to a public act or duty is not prohibited. Here, the Town employees may accept the free catering order but would need to report the gift if the value exceeds \$100. To determine the individual value of a gift of food given to multiple employees, the total value of the gift is divided by the number of employees who share in that gift. If the individual value exceeds \$100, the gift must be reported by the employees.





# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*

Michael S. Kridel, *Vice Chair*

Michael F. Loffredo

Carmin A. Priore

Clevis Headley

## Executive Director

Steven P. Cullen

June 26, 2014

Ms. Nancy Byrne, Director of Development  
City of Boynton Beach  
100 E. Boynton Beach,  
Boynton Beach, FL 33435

Re: RQO 14-013  
Misuse of Office/ Gift

Dear Ms. Byrne,

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

### **QUESTION:**

May the employees of the City of Boynton Beach (the City), who are eligible property owners participate in the City's Energy Edge Energy Efficiency Rebate Program, which is available to any resident of the City who meets the eligibility requirements?

### **ANSWER:**

Based on the facts you have submitted, City employees are not prohibited from participating in the Energy Edge Energy Efficiency Rebate Program because the rebate program applies to all similarly situated residents of the City.

A discount available to all similarly situated City residents does not violate the Palm Beach County Code of Ethics (Code of Ethics), provided that no "quid pro quo" or other benefit is offered or accepted because of any official public action taken, or legal duty performed or violated, by a public official or employee.<sup>1</sup> Here, the rebate program is run by the City and not a vendor. Accepting a rebate from their public employer under the facts submitted here would not, per se, amount to a "use" of official position or office.

Section 2-444(g) defines a gift as "the transfer of anything of economic value." A rebate is unquestionably a thing of economic value. However, the Code of Ethics excludes certain transfers of economic value from the definition of a gift. One of these exceptions is a publicly advertised offer made available to the general public.<sup>2</sup> Here, because the rebate program is a publicly advertised offer made available to the general public, it is not considered a gift under the Code of Ethics. The employee's public status bears no relationship to eligibility for the rebate, and, therefore, any rebate received is not a reportable gift.

<sup>1</sup> §2-443(a)(1)

<sup>2</sup> §2-444(g)(1)f.

**FACTS:**

You are the Director of Development for the City of Boynton Beach. The City will be launching an Energy Edge Energy Efficiency Rebate Program to property owners within the City limits beginning on June 2, 2014. The rebate program is funded through Green Building Initiative fees collected in a dedicated account, based on the value of construction as reported on permit applications. The program seeks to increase the energy efficiency of existing homes and small businesses in the City by supplying rebates for the purchase and installation of energy efficient improvement items. The City Commission funded the program with an initial offering of \$25,000 from the fund account. You have issued a policy prohibiting employees from participating for the first sixty days of the program. If funding is still available after sixty days, the City would consider accepting applications from employee property owners.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(a) and §2-444(g) of the Code of Ethics:

**Sec. 2-443. Prohibited conduct.**

- (a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- (1) Himself or herself;

**Sec. 2-444. Gift law.**

- (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 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. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, §112.3148, and the Florida Administrative Code as may be amended.
- (1) Exceptions. The provisions of subsection (g) shall not apply to:
- f. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or made available to the general public.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen  
Executive Director

CEK/gal





# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*

Michael S. Kridel, *Vice Chair*

Michael F. Loffredo

Carmine A. Priore

Clevis Headley

## Executive Director

Steven P. Cullen

July 1, 2014

Mr. Ron Jarriel, Vice Mayor  
Town of Loxahatchee Groves  
14579 Southern Blvd. Suite 2  
Loxahatchee Groves, FL 33470

Re: RQO 14-014  
Misuse of Office

Dear Vice Mayor Jarriel,

Your request for an advisory opinion from the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

### **QUESTION:**

Are you, as Vice Mayor of the Town of Loxahatchee Groves (Town), allowed to keep the fill that was taken out of a Town canal by the Loxahatchee Groves Water Control District (Water Control District) and placed on your property?

### **ANSWER:**

Based on the facts submitted, you are not prohibited from keeping and using the fill that was taken out of a Town canal by the Water Control District and placed on your property.

The Palm Beach County Code of Ethics (Code of Ethics) prohibits you from using your official position in a manner which would result in you receiving a special financial benefit not shared with similarly situated members of the general public or to corruptly secure a special benefit. The Code of Ethics also prohibits you from using information not available to members of the general public and gained by reason of your official position. Under the facts submitted, since you contacted the Water Control District in your personal capacity to inquire about the fill, as did two other landowners who also received the fill, and the amount of fill available for the public was so small that it was distributed on a first-come, first-served basis, there is no indication that you used your official position as Vice Mayor to obtain the fill for your property. Therefore, you are not prohibited from receiving (keeping) the fill.

### **FACTS:**

You are the Vice Mayor for the Town of Loxahatchee Groves and have been a council member for approximately five years. You have been a resident of Loxahatchee Groves for about 53 years.

In the past couple of months, the Water Control District has had a professional company cleaning out the culverts running north to south in the Town's main canals. As a result, the fill on the north and south sides of the culvert had been placed on the easements on the side of the canal. When the company was cleaning out the culvert at 161<sup>st</sup> Terrace N. and A Rd., located approximately 600 to 1000 feet from your property line, you asked the Water Control District Administrator what they would be doing with the fill

that was placed on the easement side of the canal. The Administrator said that any resident that wanted it could have it because the Water Control District had no place to store it and no need for it. You told him that the Water Control District could put as much on your property as they wanted. The fill was placed on your property but you have not yet moved it or spread it out to raise the low areas on your property.

Additional information was obtained from the Water Control District Administrator, Stephen Yohe, who stated that the quality of the fill was poor and included trash, tires, cans, street signs, a bicycle frame, bricks, silt, mud, and likely chemical pollutants. The amount of fill was relatively small at each culvert location. The total amount of fill removed, based upon a documented inspection by the contractor who cleaned the fill from the culverts, was approximately 300 cubic yards (cy), or approximately 15 20cy dump trucks. The Water Control District needed to remove the fill at each culvert location to restore the canal maintenance berms and considered transporting it, at its time and expense, to the Solid Waste Authority (SWA) landfill. According to the Administrator, for the Water Control District to dispose of the fill at the landfill, it would have taken 15 trips with the Water Control District's dump truck traveling approximately 17 miles one-way in approximately 20 minutes, totaling a minimum of 15 hours total. The estimated cost of removing the fill, if not take by landowners, is approximately \$500 for the 300cy. Therefore, when landowners starting asking what the Water Control District was going to do with the fill, the Administrator authorized giving it to them. The Administrator stated that residents found out that the fill was available through word-of-mouth and he told anyone who called him that they would be doing the Water Control District a favor by taking the fill. The Water Control District did not make a public notice but distributed the fill on a first-come, first-served basis because a public notice would have resulted in a time delay in restoring the canal maintenance berms.

Three landowners received the fill. One of the three landowners transported approximately half of the fill he received until his trailer broke. The Water Control District delivered the other half to him. The District delivered 100% of the fill received by the other two landowners, which included Mr. Jarriel.

#### **LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(a), §2-443(b), and §2-443(i) of the Code of Ethics:

#### **Sec. 2-443 Prohibited conduct.**

**Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

Himself or herself;

**Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

**Disclosure or use of certain information.** A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official

position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen,  
Executive Director

CEK/gal





# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*

Michael S. Kridel, *Vice Chair*

Michael F. Loffredo

Carmine A. Priore

Clevis Headley

## Executive Director

Steven P. Cullen

June 26, 2014

Ms. Megan Rogers, Assistant Village Attorney  
Village of Wellington  
12300 Forest Hill Blvd  
Wellington, FL 33414

Re: RQO 14-017  
Lobbyist Registration Ordinance

Dear Ms. Rogers,

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

### **QUESTION:**

Does the Palm Beach County Lobbyist Registration Ordinance require registered lobbyists to disclose their lobbyist status on the record or on a Village of Wellington comment card if they are appearing in their personal capacity as residents or as members of an organization? If not, is the Village of Wellington prohibited from requiring such disclosure?

### **ANSWER:**

The Palm Beach County Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status when they are appearing in their personal capacity as residents or as members of an organization, as long as the agenda items on which they are commenting does not pertain in any way to a principal they represent in exchange for compensation.

However, the Palm Beach County Lobbyist Registration Ordinance does not prohibit the Village of Wellington from imposing a stricter standard of conduct upon registered lobbyists. Registered lobbyists must comply with the rules or other policies and procedures that the Village of Wellington imposes as long as those procedure are not in conflict with the Palm Beach County Lobbyist Registration Ordinance. Therefore, even if the Palm Beach County Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status on the record or on a Village of Wellington comment card if they are appearing in their personal capacity, the Village of Wellington may require such a disclosure under its own authority..

### **FACTS:**

The facts, as we understand them, are as follows:

You are the Assistant Village Attorney for the Village of Wellington. From time to time members of the public, who are also registered lobbyists, attend the Village Council meetings or advisory board

meetings. Some of the members wish to comment on Council or Advisory Board agenda items while appearing in their personal capacity as a resident or as a member of an organization. During these times, the person is speaking in an individual capacity or as a member of an organization and not on behalf of a principal in exchange for compensation.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-352 of the Lobbyist Registration Ordinance:

**Sec. 2-352. Definitions.**

**Lobbyist** shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

**"Lobbyist"** shall not include:

- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

**Principal** shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen  
Executive Director

CEK/gal





# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*  
Michael S. Kridel, *Vice Chair*  
Michael F. Loffredo  
Carmine A. Priore  
Clevis Headley

## Executive Director

Steven P. Cullen

July 10, 2014

Mr. Noel Pfeffer, City Attorney  
City of Delray Beach  
100 N.W. First Avenue  
Delray Beach, FL 33445

Re: RQO 14-018  
Misuse of Office

Dear Mr. Pfeffer,

Former interim City Attorney Terrill Pyburn sent a request for an advisory opinion to the Palm Beach County Commission on Ethics (COE). The request was reviewed and rendered as follows:

### **QUESTION:**

May the former acting City Manager for the City of Delray Beach (City), who retired from City employment on June 16, 2014, accept the use of a City vendor's condominium after retirement?

### **ANSWER:**

Based on the facts submitted, the former acting City Manager is not prohibited from accepting the use of a City vendor's condominium after retirement so long as it was not in exchange for the past, present or future performance of an official act or legal duty while he was still employed with the City.

The Palm Beach County Code of Ethics (Code of Ethics) prohibits public employees from using their official position in a manner which would result in them receiving a special financial benefit not shared with similarly situated members of the general public or to corruptly secure a special benefit.<sup>1</sup> Public employees are also prohibited from accepting any gift of any value as a quid pro quo or in exchange for the performance or non-performance of an official action or legal duty.<sup>2</sup> Once the acting City Manager retired, he was no longer under the jurisdiction of the Code of Ethics. Under the facts submitted, because the use of the condominium will take place after his retirement from the City and he did not use his official position to obtain this arrangement, he is not prohibited from accepting this opportunity.

### **FACTS:**

Former interim City Attorney Terrill Pyburn for the City sent a request for opinion before your hire date on behalf of Robert Barcinski, former acting City Manager of the City. Mr. Barcinski retired from the City on June 16, 2014 and was offered the opportunity to use a beach-side condominium after retirement. The offer would be for the end of July 2014 for approximately one week and would cost him \$100, which will cover the cost to clean the unit.

<sup>1</sup> §2-443(a); §2-443(b)

<sup>2</sup> §2-444(e)



The condominium is owned by Sharon Painter, the President of JCD Sports Group. JCD Sports Group is a vendor of the City. This vendor manages the City's golf courses and tennis facilities. Mr. Barcinski worked with and managed this vendor for over 20 years during his tenure as an Assistant City Manager for the City. He did not use his official position to secure this benefit, and it does not represent a quid pro quo in exchange for the performance or non-performance of an official action or legal duty.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(a), §2-443(b), and §2-443(i) of the Code of Ethics:

**Sec. 2-443 Prohibited conduct.**

**Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:  
Himself or herself;

**Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

**Sec. 2-444. Gift law.**

- (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.
  - (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
    - (1) An official public action taken or to be taken, or which could be taken;
    - (2) A legal duty performed or to be performed or which could be performed; or
    - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen  
Executive Director

CEK/gal



# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*  
Michael S. Kridel, *Vice Chair*  
Michael F. Loffredo  
Carmine A. Priore  
Clevis Headley

## Executive Director

Steven P. Cullen

July 10, 2014

Mr. John C. Randolph, Esquire  
Town of Palm Beach Town Attorney  
Jones, Foster, Johnston & Stubbs, P.A.  
505 South Flagler Drive, Suite 1100  
West Palm Beach, FL 33401

Re: RQO 14-019  
Misuse of Office

Dear Mr. Randolph,

Your request for an advisory opinion from the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

### **QUESTION:**

Is Edward Cooney, as a member of the Landmarks Preservation Commission (LPC) of the Town of Palm Beach, prohibited from voting on the Certificate of Appropriateness application filed by the Town of Palm Beach for renovations to the Town Hall Historic District (District) because he is a part-time employee at the Buccan Restaurant (Buccan), a restaurant within the District area?

### **ANSWER:**

Based on the facts submitted, Edward Cooney is not prohibited from voting on the Certificate of Appropriateness for renovations in the District.

The Palm Beach County Code of Ethics (Code of Ethics) prohibits public officials from using their official position, by participating or voting on an issue, to give their outside employer a special financial benefit not shared with similarly situated members of the general public.<sup>1</sup> Whether a matter rises to the level of prohibited conduct with a voting conflict turns on whether a special financial benefit is shared with similarly situated members of the general public. Financial benefit, in the context of the Code of Ethics, constitutes economic gain or loss.<sup>2</sup> The possibility of a financial gain must be direct and immediate, rather than remote and speculative.<sup>3</sup> For a financial benefit to be "special", the benefit must be unique to the Buccan, rather than benefiting the Town of Palm Beach as a whole.<sup>4</sup>

<sup>1</sup> §2-443(a); §2-443(c)

<sup>2</sup> RQO 10-013

<sup>3</sup> RQO 12-082

<sup>4</sup> RQO 12-063



Based on the facts you have submitted, Edward Cooney is not prohibited from voting on this matter because there is no special financial benefit to the Buccan. Any financial benefit attributable to the Buccan is shared with similarly situated businesses in the District and does not constitute a unique circumstance. The renovation of the District area will affect all the businesses in the District in the same way. The additional parking spaces will be for public parking and not reserved for the restaurant's customers. Because all existing similarly situated businesses in the District area would be affected equally by the renovations, there is no prohibited special financial benefit.

**FACTS:**

You are the Town Attorney for the Town of Palm Beach (Town). The Town, which is the owner of the Memorial Fountain, has filed an Application for the Certificate of Appropriateness with the Town's LPC to make renovations to the District, "specifically all areas between building faces of properties fronting State Road A1A (South County Road) between Brazilian Avenue and Chilean Avenue, including the Town of Palm Beach owned properties within the median of State Road A1A". The project description includes the addition of 24 public parking spaces within the District area and the addition of steps at the rear of Memorial Fountain. According to the renovation plans, none of the additional parking spaces will be directly in front of the Buccan. The new or revised parking spaces (31) begin on the block immediately north of the Buccan and are located on both the east and west sides of town owned properties. Two new or revised parking spaces are one block south of the Buccan. The two block area north and south of the Buccan is fronted by many public buildings and commercial businesses, including other restaurants. The fountain area is in the block to the north of the Buccan and does not directly abut the restaurant property.

Edward Cooney is employed by the Buccan and is one of 93 employees at the restaurant. He has no financial or ownership interest in the restaurant but works part-time on an hourly basis. When the Buccan was approved by the Town of Palm Beach, it was approved on the condition that the restaurant needed sufficient off-street parking. This condition was previously met to the satisfaction of the Town Council.

Although the project description identifies the need for a special exception, site plan review and variance, those matters are considered by and subject to the approval of the Town Council. Edward Cooney sits on the LPC, which will consider whether to issue a Certificate of Appropriateness under the terms, conditions, and criteria of the Town's ordinance creating the LPC. The LPC is meeting on the morning of Monday, July 21, 2014, at which time consideration will be given to the Certificate of Appropriateness.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(a) and §2-443(c) of the Code of Ethics:

**Sec. 2-443 Prohibited conduct.**

- (a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

- (1) Himself or herself;
- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business

(c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen,  
Executive Director

CEK/gal



# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*  
Michael S. Kridel, *Vice Chair*  
Michael F. Loffredo  
Carmine A. Priore  
Clevis Headley

## Executive Director

Steven P. Cullen

---

July 10, 2014

Ms. Gloria Taylor, Sr. Public Relations Specialist  
Public Affairs Department  
301 N. Olive Ave., Suite 1102  
West Palm Beach, FL 33401

Re: RQO 14-020  
Misuse of Office

Dear Ms. Taylor,

Your request for an advisory opinion from the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

### **QUESTION:**

Is a Palm Beach County (County) employee's spouse prohibited from purchasing advertising on the County's internal website?

### **ANSWER:**

Based on the facts submitted, your spouse is not prohibited from purchasing advertising on the County's internal website.

The Palm Beach County Code of Ethics (Code of Ethics) prohibits a public employee from using her official position in any way when she knows or should know that it would give a special financial benefit to her spouse or the spouse's outside employer or to corruptly secure a special benefit for any person.<sup>1</sup> Whether a matter rises to the level of a prohibited conduct turns on whether a special financial benefit is shared with similarly situated members of the general public. Financial benefit constitutes economic gain or loss.<sup>2</sup> Similarly situated means that everyone affected by a decision benefits in the same way. For the financial benefit to be "special", the benefit must be unique to your husband or his outside employer.<sup>3</sup>

Based on the facts you have submitted, your spouse is not prohibited from purchasing advertising on the County's internal website so long as the fee he pays for the advertising is the same amount that any other businesses would pay. Since the opportunity to purchase advertising on the internal website is available to any business, there is no special financial benefit to your husband or his outside employer.

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<sup>1</sup> §2-443(a); §2-443(b)

<sup>2</sup> RQO 10-013

<sup>3</sup> RQO 12-063



**FACTS:**

You are the Senior Public Relations Specialist for the County's Public Affairs Department. Your husband, Tom Taylor, works for David Lerner Associates in Boca Raton and would like to purchase advertising on the County's internal website to offer investment services to County employees. The opportunity to purchase advertising on the internal website is available to any business, and the County has a standard paid advertising contract.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(a) of the Code of Ethics:

**Sec. 2-443 Prohibited conduct.**

- (a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
  - (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen,  
Executive Director

CEK/gal



# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*

Michael S. Kridel, *Vice Chair*

Michael F. Loffredo

Carmine A. Priore

Clevis Headley

## Executive Director

Steven P. Cullen

July 24, 2014

Ms. Myla Young  
Town of Lantana Human Resources  
500 Greynolds Circle  
Lantana, FL 33462

Re: RQO 14-021  
Gift Law

Dear Ms. Young,

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 August 7, 2014.

### **QUESTION:**

Is your fiancé, who works as a marketing coordinator for a business, allowed to provide a free catering order to the Town Hall for Town of Lantana (Town) employees to share among themselves? If he is allowed to provide this gift, what implications will it have on the Town employees who receive it?

### **ANSWER:**

Based on the facts submitted, since Jersey Mike's Subs is not a vendor of the Town, your fiancé does not fall under the jurisdiction of the Code of Ethics. Therefore, he is not prohibited from providing a free catering order to the Town employees to share as long as other businesses in the area will also receive free food. However, as a public employee, you will have an ongoing responsibility to refrain from using your official position to corruptly secure a special benefit for him.<sup>1</sup> This would include any improper action involving the awarding of Town business to your fiancé's employer.

Although the Code of Ethics prohibits employees from accepting gifts of any value if given for the past, present or future performance of a public act or legal duty, a general gift that is not tied to a public act or duty is not prohibited.<sup>2</sup> Here, the Town employees may accept the free catering order but would need to report the gift if the value exceeds \$100. To determine the individual value of a gift of food given to multiple employees, the total value of the gift is divided by the number of employees who share in that gift.<sup>3</sup> If the individual value exceeds \$100, the gift must be reported by the employees.<sup>4</sup>

<sup>1</sup> §2-443(b)

<sup>2</sup> §2-444(e)

<sup>3</sup> RQO 11-103

<sup>4</sup> §2-444(f)b.

**FACTS:**

You work for the Town of Lantana in the Human Resources department. Your fiancé is a marketing coordinator for Jersey Mike's Subs, and he is required to give away free catering orders and coupons to organizations and individuals. He is opening a new store located near the Town Hall, and he would like to provide a free catering order to the Town Hall for all of the Town's employees to share. The store gives away free food as a marketing tool to let people know about their locations. The Town Hall will not be the only location or business receiving free catering orders. Jersey Mike's Subs is not a vendor of the Town and does not have any pending contracts or transactions with the Town

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-443(b), 2-444(e), §2-444(f)b., and §2-444(g) of the Code of Ethics:

**Sec. 2-443. Prohibited conduct.**

- (b) Corrupt misuse of official position. An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

**Sec. 2-444. Gift law.**

- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
  - (1) An official public action taken or to be taken, or which could be taken;
  - (2) A legal duty performed or to be performed, or which could be performed; or
  - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.
  
- (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.
  - b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law.
  
- (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 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. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, §112.3148, and the Florida Administrative Code as may be amended.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen,  
Executive Director

CEK/gal

# VII Proposed Advisory Opinions

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## **RQO 14-015 Anne Gerwig**

The Assistant Village Attorney Village of Wellington asked if Councilwoman Gerwig is prohibited from participating in and voting on the selection of a design and award of a contract to construct a bridle and multipurpose path adjacent to the Palm Beach Point community, when the Palm Beach Point Property Owner's Association (POA) is a client of the councilwoman.

Staff submits the following for COE review: Councilwoman Gerwig is not prohibited from participating in and voting on the selection of a design and award of a contract to construct a bridle and multipurpose path adjacent to the Palm Beach Point community. The Code of Ethics prohibits Councilwoman Gerwig from using her official position in any way when she knows or should know with the exercise of reasonable care that it would result in a special financial benefit to a client or customer of her outside business. Since her outside business has supplied goods or services in excess of \$10,000 over the previous 24 months to the POA, the POA is a customer or client of her outside business. In the context of the Code of Ethics, financial benefit constitutes economic gain or loss. To constitute a prohibited voting conflict, the possibility of the financial gain or loss must be direct and immediate, rather than remote and speculative. For a financial benefit to be "special", the benefit must inure uniquely to the prohibited person or entity, rather than benefiting the municipality as a whole.

Based on the facts presented here, although the POA has been involved in the Village of Wellington meetings regarding the construction of the path and crossing options and has taken a position by opposing two of the three proposed options, there is no prohibited special financial benefit involved. None of the options would provide a direct financial benefit to the POA. Because every resident of the Village of Wellington who uses Palm Beach Point Boulevard would be affected equally by the selected plan, there is no prohibited special financial benefit to the POA.

## **RQO 14-016 Carmen Mattox**

The Chief of Police for the Manalapan Police Department asked if using holiday money donated by residents of the Town of Manalapan to purchase personal firearms for all of the sworn members of the police department and vest covers for police officer's vest plates would violate the Code of Ethics, and if these purchases are acceptable, will the recipients need to file a gift report form for the items.

Staff submits the following for COE review: The Code of Ethics does not prohibit the purchase of vest plate covers and firearms with the holiday money donated by Town residents. The Town may accept holiday money from residents to give to the police department employees, as long as funds in excess of \$100 were not accepted from any vendor or lobbyist of the Town and the distribution to employees is based on each worker's status as sworn employees of the Town and not on the past, present or future performance of a legal duty. Employees who receive any gift worth more than \$100 must file an annual gift disclosure report with the COE no later than November 1<sup>st</sup> for the period ending September 30<sup>th</sup> of each year.

Under the facts submitted, the handguns will be reportable gifts; however, the vest covers are not. Because the handguns will be the personal property of the sworn members of the department and the value of each handgun is greater than \$100, each recipient must report acceptance of such a gift to the COE as required by the Code of Ethics. However, one of the exceptions to the gift law reporting requirements is gifts accepted by public employees on behalf of their government for a public purpose. Here, since the vest covers are department-issued and remain police department property for a period of 5 years, after which the department has determined that this item is 100% depreciated and has no value, they are not considered a gift and do not need to be reported.

August 8, 2014

Ms. Megan Rogers, Assistant Village Attorney  
Village of Wellington  
12300 Forest Hill Blvd  
Wellington, FL 33414

Re: RQO 14-015  
Conflict of Interest/Misuse of Office

Dear Ms. Rogers,

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 August 7, 2014.

**QUESTION:**

Is Councilwoman Gerwig prohibited from participating in and voting on the selection of a design and award of a contract to construct a bridle and multipurpose path adjacent to the Palm Beach Point community, where the Palm Beach Point Property Owner's Association (POA) is a client of Councilwoman Gerwig?

**ANSWER:**

Based on the facts you have submitted, Councilwoman Gerwig is not prohibited from participating in and voting on the selection of a design and award of a contract to construct a bridle and multipurpose path adjacent to the Palm Beach Point community.

The Palm Beach County Code of Ethics (Code of Ethics) prohibits Councilwoman Gerwig from using her official position in any way when she knows or should know with the exercise of reasonable care that it would result in a special financial benefit to a client or customer of her outside business.<sup>1</sup> Since her outside business has supplied goods or services in excess of \$10,000 over the previous 24 months to the POA, the POA is a customer or client of Councilwoman Gerwig's outside business.<sup>2</sup> Financial benefit, in the context of the Code of Ethics, constitutes economic gain or loss.<sup>3</sup> Furthermore, to constitute a prohibited voting conflict, the possibility of a financial gain or loss must be direct and immediate, rather than remote and speculative. For a financial benefit to be "special", the benefit must inure uniquely to the prohibited person or entity, rather than benefiting the municipality as a whole.

Based on the facts presented here, although the POA has been involved in the Village of Wellington meetings regarding the construction of the path and crossing options and has taken a position by opposing two of the three proposed options, there is no prohibited special financial benefit involved. None of the options would provide a direct financial benefit to the POA. Because every resident of the Village of Wellington who uses Palm Beach Point Boulevard would be affected equally by the selected plan, there is no prohibited special financial benefit to the POA. Therefore, Councilwoman Gerwig is not

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<sup>1</sup> §2-443(a)

<sup>2</sup> §2-442

<sup>3</sup> RQO 10-013 (For the purpose of ordinance construction, the commission finds that a financial benefit includes either a private gain or loss)

prohibited from participating in and voting on the selection of a design and award of this contract to construct a bridle and multipurpose path.

**FACTS:**

The facts, as we understand them, are as follows:

You are the Assistant Village Attorney for the Village of Wellington. On May 27, 2014, in an abundance of caution, you advised Councilwoman Gerwig to abstain from voting and not participate on the selection of a design and award of a contract to construct bridle and multipurpose path adjacent to the Palm Beach Point community. Councilwoman Gerwig is an employee and has an ownership interest in the engineering firm of Alan Gerwig and Associates, Inc. Over the past 24 months, the firm has been paid more than \$10,000 for engineering services on projects for the Palm Beach Point Property POA.

In 2012, Council approved construction of bridle and multipurpose path connections between the Wellington Environmental Preserve and existing paths located near the intersection of Greenbriar and Palm Beach Point Boulevard. The proposed improvements include an 8 foot wide multiuse path, a grassed bridle path, pedestrian and equestrian crossing, and a new culvert underneath Palm Beach Point Boulevard. In response to several meetings with the POA, three independent options for these paths were designed and bid. Of these choices, option 1 is the least expensive alternative at \$575,267.88 and option 3 is the most expensive with an estimated cost of \$722,880.71. Option 3 is the selection preferred by the POA and requires full roadway realignment and reconstruction of Palm Beach Point Boulevard. Option 2 was recommended by staff. Award of the contract for the construction of the proposed paths and selection of one of the three design options came before Council for review on May 27<sup>th</sup>. Ultimately, no vote passed on this item as both motions failed 2-2. POA representatives submitted a letter to Wellington Council on May 19, 2014 advocating for the selection of option 3.

In light of the customer or client relationship between the firm and the POA and the POA's participation in this matter, Ms. Gerwig was advised by counsel to abstain from voting on this item. Ms. Gerwig did not participate or vote as advised and has timely filed her voting conflict form. As the adjacent property owner, the POA has been involved in the discussion surrounding the construction of the paths, but no portion of POA property will be used or altered in construction of the paths. Nor will the paths be used for the benefit of the POA; rather the proposed paths will provide connectivity to Wellington's existing public trail system. As part of its common property holdings the POA has additional private paths that provide access to the show grounds as an alternative to the public paths.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-442, §2-443(a), and §2-443(c) of the Code of Ethics:

**Sec. 2-442. Definitions.**

***Customer or client*** means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

***Financial benefit*** includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

**Sec. 2-443 Prohibited conduct.**

(a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(5) A customer or client of the official or employee's outside employer or business;

(c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,

Steven P. Cullen  
Executive Director

CEK/gal

August 8, 2014

Carmen Mattox, Chief of Police  
Manalapan Police Department  
600 S. Ocean Blvd.  
Manalapan, FL 33462

Re: RQO 14-016  
Gifts

Dear Chief Mattox,

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 August 7, 2014.

**QUESTION:**

Would using holiday money donated by residents of the Town of Manalapan (the Town) to purchase personal firearms for all of the sworn members of the police department and vest covers for police officer's vest plates violate the Palm Beach County Code of Ethics (the Code of Ethics)? If these purchases are acceptable, do the recipients need to file a gift report form for the items?

**ANSWER:**

Under the facts presented, the Code of Ethics does not prohibit the purchase of vest plate covers and firearms with the holiday money donated by Town residents.

The Town may accept holiday money from residents to give to the police department employees, as long as funds in excess of \$100 were not accepted from any vendor or lobbyist of the Town<sup>1</sup> and the distribution to employees is based on each worker's status as sworn employees of the Town and not on the past, present or future performance of a legal duty<sup>2</sup>. Employees who receive any gift worth more than \$100 must file an annual gift disclosure report with the COE no later than November 1<sup>st</sup> for the period ending September 30<sup>th</sup> of each year.

Under the facts submitted, the handguns will be reportable gifts; however, the vest covers are not. Because the handguns will be the personal property of the sworn members of the department and the value of each handgun is greater than \$100, each recipient must report acceptance of such a gift to the COE as required by the Code of Ethics. However, one of the exceptions to the gift law reporting requirements is gifts accepted by public employees on behalf of their government for a public purpose.<sup>3</sup> Here, since the vest covers are department-issued and remain police department property for a period of 5 years after which they have no value and may be kept by the officers, they are not considered a gift and do not need to be reported.

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<sup>1</sup> §2-444(a)

<sup>2</sup> §2-444(e)

<sup>3</sup> §2-444(g)(1)e.

**FACTS:**

You are the Chief of Police for the Town of Manalapan. During the winter holiday season, the police department receives monetary donations from the community. Until distributed, these funds are kept in a separate bank account. You would like to purchase two items for each of the sworn members of the department with the holiday donations. The first item you would like to purchase is a GLOCK 42 handgun. It would be the personal property of the department member, not department issued. Each handgun will cost approximately \$319. The second item is a Safariland LAPD External Armor Carrier, which are outer covers that contain the officers' vest plate armor inside. The base price for this item is approximately \$185. This item is department issued, and will remain the property of the department, for 5 years. The department has determined that this item is 100% depreciated after 5 years and, therefore, has a value under \$100. As such, after 5 years of use, it may become the personal property of the officer.

**LEGAL BASIS:**

The legal basis for this opinion is found in §2-444 of the Code of Ethics:

**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.
- (c) No county commissioner, member of a local governing body, mayor or chief executive officer 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 a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee.
- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
- (1) An official public action taken or to be taken, or which could be taken;
  - (2) A legal duty performed or to be performed or which could be performed; or
  - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.
- (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.
- (2) *All other officials and employees who are not reporting individuals under state law.*
    - b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year.



All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law.

- (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.
  - (1) Exceptions. The provisions of subsection (g) shall not apply to:
    - e. Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It 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 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,

Steven P. Cullen  
Executive Director

CEK/gal

# My Dashboard

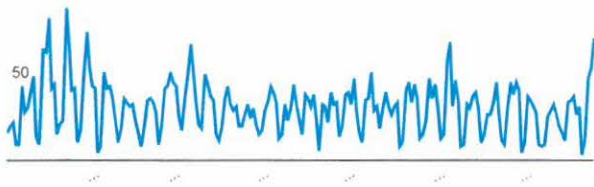
Jan 1, 2014 - Jul 23, 2014

**All Sessions**  
100.00%

+ Add Segment

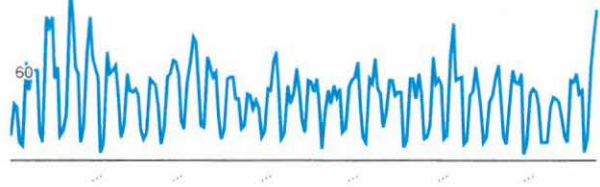
## New Users

**New Users**  
100

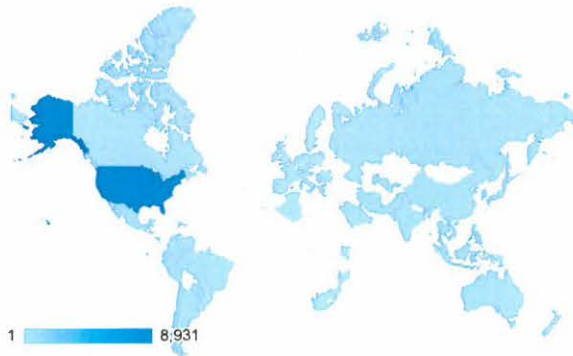


## Users

**Users**  
120



## Sessions

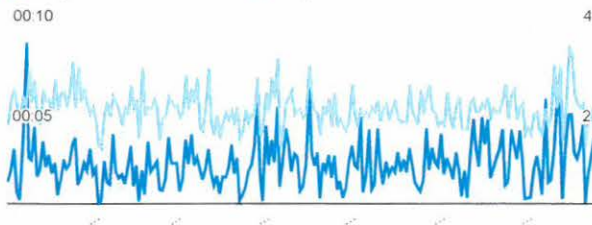


## Sessions by Browser

Browser	Sessions
Internet Explorer	5,346
Chrome	1,493
Safari	1,216
Firefox	684
Android Browser	232
Safari (in-app)	185

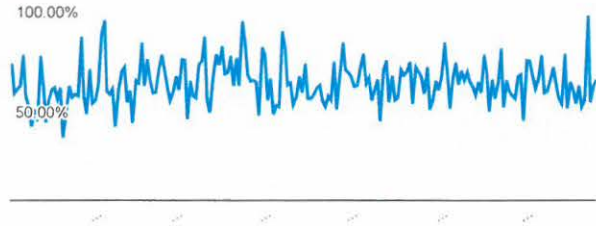
## Avg. Session Duration and Pages / Session

**Avg. Session Duration** **Pages / Session**



## Bounce Rate

**Bounce Rate**  
100.00%



## Goal Completions

**Goal Completions**  
1



## Revenue

**Revenue**  
\$1.00



# Audience Overview

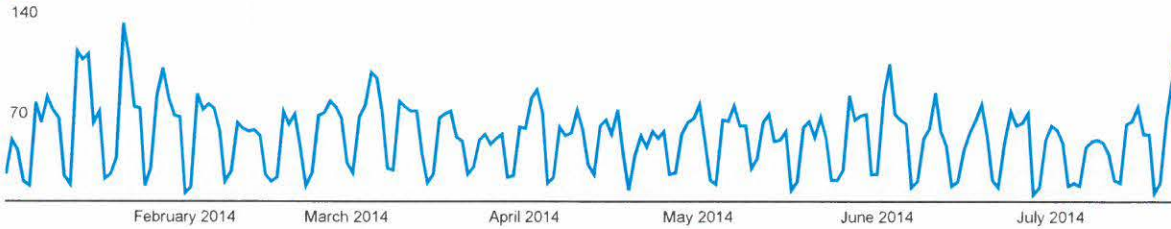
Jan 1, 2014 - Jul 23, 2014

**All Sessions**  
100.00%

+ Add Segment

## Overview

Sessions



Sessions

9,223



Users

5,750



Pageviews

18,170



Pages / Session

1.97



Avg. Session Duration

00:02:13

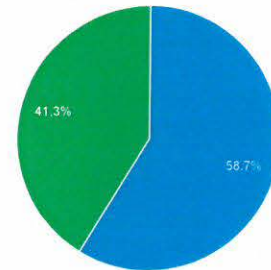


Bounce Rate

56.39%



New Visitor Returning Visitor



% New Sessions

58.73%



Language	Sessions	% Sessions
1. en-us	8,889	96.38%
2. pt-br	100	1.08%
3. en	57	0.62%
4. en-gb	21	0.23%
5. fr-fr	14	0.15%
6. c	13	0.14%
7. es-es	13	0.14%
8. fr-ca	10	0.11%
9. it-it	10	0.11%
10. en-ca	9	0.10%

Overview

Jan 1, 2014 - Jul 23, 2014

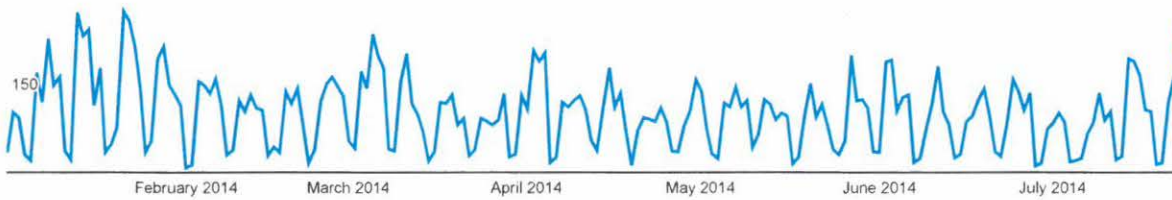
All Sessions  
100.00%

+ Add Segment

Overview

Pageviews

300



Pageviews

18,170



Unique Pageviews

14,318



Avg. Time on Page

00:02:17



Bounce Rate

56.39%



% Exit

50.74%



Page	Pageviews	% Pageviews
1. /	7,673	42.23%
2. /training.htm	2,748	15.12%
3. /opinions.htm	876	4.82%
4. /meetings.htm	797	4.39%
5. /ordinances-codes.htm	697	3.84%
6. /contact_us.htm	565	3.11%
7. /complaints.htm	541	2.98%
8. /FAQ.htm	441	2.43%
9. /forms.htm	283	1.56%
10. /publications.htm	280	1.54%

Jan 1, 2014 - Jul 23, 2014

### Users Flow

All Sessions  
100.00%

+ Add Segment

Country / Territory

United States  
8.93K

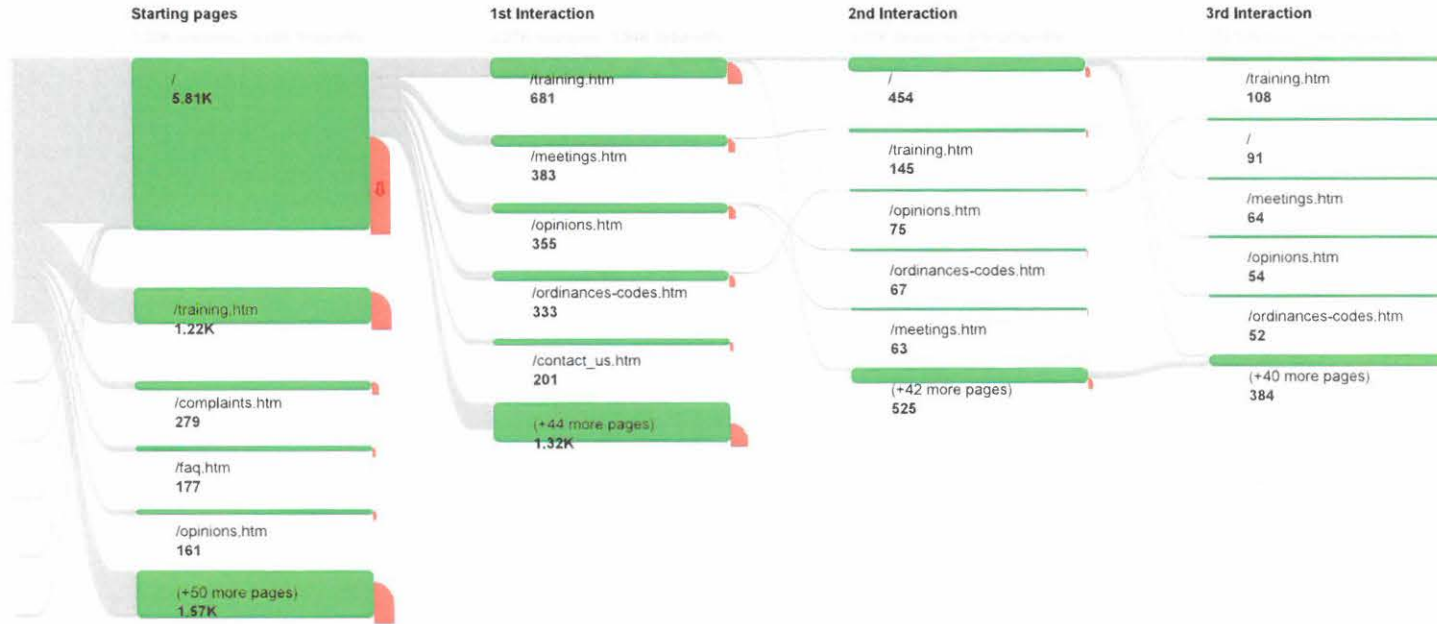
Brazil  
101

Germany  
19

Canada  
18

India  
13

...  
141



## THE COMPLAINT PROCESS

	State	Palm Beach	Miami-Dade	Jacksonville
<b>Allows self-initiated complaints</b>	No	Yes Inspector General, State Attorney, or Executive Director	Yes Inspector General, State Attorney, or Advocate	Yes Commission during an Executive Session
<b>Allows sworn complaints from general public</b>	Yes	Yes	Yes	Yes
<b>Complaint date stamped</b>	Yes	Yes	Yes	Yes
<b>Copy of sworn complaint forwarded to Respondent</b>	By certified mail, return receipt requested, within 5 days of receipt	Within 20 days of preliminary finding of legal sufficiency determination	Within 30 days of receipt	Within 10 days of receipt
<b>Copy of self-initiated complaint forward to Respondent</b>	N/A	Within 20 days of preliminary finding of legal sufficiency determination	Within 5 day of receipt	Within 10 days of Executive Session
<b>Legal Sufficiency Review and Memorandum</b>	Yes	Yes	Yes	Yes
<b>Withdrawal of complaint</b>	By complainant, for good cause. Must be in writing, signed by the complainant, and witnessed by a notary public.	By complainant, for any good cause. Must be in writing and signed by complainant	By complainant, for any good cause. Must be in writing, signed by complainant, and witnessed by a notary public	Complaints within 15 days of election are returned to complainant by the Ethics Director.  By complainant, for any good cause. Must be in writing, signed by complainant, and witnessed by a notary public
<b>Investigation</b>	By Investigator	By Investigator	By Investigator	By ED after consulting Chair, By Council Auditor, By the Office of General Counsel liaison, By one or more Commission members
<b>Investigator's Report</b>	Respondent given at least 14 days from date of mailing to file a	Forwarded to Advocate for Recommendation	Respondent given at least 10 days from date of mailing investigator's findings to file written response.	Respondent given 14 days from date of mailing to file a written response

	written response			
<b>Notice of PC Recommendation by Advocate</b>	Respondent given at least 7 days from date of mailing to file written response.	Respondent given at least 10 days from date of mailing to file written response.	Respondent given at least 10 days from date of mailing to file written response.	Respondent given at least 10 days from date of mailing to file written response.
<b>Notice of PC Hearing</b>	At least 14 days before	At least 10 days before	At least 10 days before	At least 14 days before
<b>Probable Cause Hearing Composition</b>	A DOAH administrative law judge	The full Commission	The full Commission	The full Commission; if a member of the commission served as Investigator, such member may not vote and shall recuse themselves
<b>Final Hearing Composition</b>	A DOAH administrative law judge; DOAH judge sends Recommendation to Commission, who sends its recommendation to the appropriate body	The full Commission or three-member panel designated by the Chair	The full Commission or a three-member panel designated by the Chair	The full Commission; if a member of the commission served as Investigator, such member may not vote and shall recuse themselves

# Work Product January – July 2014

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## Opinions – 21

Requests for expedited opinions are handled according to the requestor’s time limits. Regular opinion requests received in a calendar month are generally processed for inclusion on the agenda of the next scheduled meeting.

## Inquiries – 20

Inquiries are matters which come to the attention of COE staff for investigation. Confidentiality attaches to inquiries until the matter is closed. Staff attempts to investigate and move inquiries to conclusion within 90 days.

Case Number	Opened	Closed	Case Number	Opened	Closed
AN 14-001	1/2/14	3/24/14	AN 14-011	2/26/14	5/13/14
AN 14-002	1/7/14	2/25/14	AN 14-012	3/3/14	5/15/14
AN 14-003	1/10/14	4/8/14	AN 14-013	3/27/14	Pending
AN 14-004	2/26/14	3/14/14	AN 14-014	4/11/14	Pending
AN 14-005	2/26/14	3/14/14	AN 14-015	4/14/14	Pending
AN 14-006	2/26/14	7/9/14	AN 14-016	5/8/14	Pending
AN 14-007	2/26/14	5/13/14	AN 14-017	5/13/14	Pending
AN 14-008	2/26/14	3/14/14	AN 14-018	5/17/14	7/9/14
AN 14-009	2/26/14	5/13/14	AN 14-019	5/28/14	Pending
AN 14-010	2/26/14	7/9/14	AN 14-020	7/10/14	Pending

## Complaints – 5

Sworn complaints are received from citizens, public officials or may be self-initiated by the Executive Director. Confidentiality attaches to complaints until final disposition. Staff attempts to investigate and process complaints for disposition by the Commission or administrative dismissal within 90 days.

Case Number	Opened	Closed	Complaint Type	Dismissal Type
14-001	1/6/14	4/3/14	Self initiated	COE-No PC
14-002	4/3/14	5/15/14	Citizen	Administrative
14-003	4/7/14	5/15/14	Citizen	Administrative
14-004	6/2/14	7/10/14	Citizen	Administrative
14-005	7/14/14	Pending	Citizen	

## Referrals – 19

Matters outside of the jurisdiction of the COE are referred to the appropriate agency (Inspector General, State Attorney, Florida Commission on Ethics or other appropriate agency).

## Public Records Requests – 10

Staff responds to the Public Records Requests of press and public.



## **General Inquiries/Emails/Phone Calls - 390**

COE staff handles many general inquiries and provides answers and information.

## **Website and Social Media**

The COE website received in excess of 3500 visits for the 6 month period. Most of the traffic accesses the training and opinion sections. Facebook had 86 views of the meeting notice for the June meeting. An active presence is maintained on Twitter.

## **Training and Community Outreach**

A studio version of the training is now available on the website, YouTube and DVD.

Two new public service announcements (30 and 60 seconds) detailing the work of the COE now run on Channel 20 and are available on the website.

Staff completed "site customer service" visits of the county and all municipalities under COE jurisdiction. Each designated contact person was visited in their office and updated as to COE activities. Guides and training materials were provided. Several jurisdictions updated their training policies, scheduled live training and asked for advisory opinions as a result of these visits.

Live training on request is continually offered, including after hours and at distant locations, by the three attorney staff members (Executive Director, Staff Counsel and Senior Investigator).

Staff conducted a special training for HR managers regarding Outside Employment.

Staff served as a judge in the Palm Beach County Ethics Bowl debate competition in February.

Staff participated in the declaration of Ethics Awareness Month by the Board of County Commissioners in March.

New community outreach efforts with Palm Beach County schools, debate programs and magnet schools are underway.

Renewed efforts offering speakers to community groups and organizations are underway.

Staff has provided support and materials for commissioner's presentations to the community.