



Amended Agenda

March 3, 2016 – 1:30 pm
Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

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

Commissioners

Michael S. Kridel, Chair

Clevis Headley, Vice Chair

Michael F. Loffredo

Sarah L. Shullman

Judy M. Pierman

Executive Director

Mark E. Bannon

Intake and Compliance Manager

Gina A. Levesque

Staff Counsel

Christie E. Kelley

Chief Investigator

Anthony C. Bennett

Investigator

Vacant

- I. Swearing-in ceremony by Judge Jeffrey Colbath
 - a. Sarah L. Shullman
 - b. Michael F. Loffredo
- II. Call to Order
- III. Roll Call
- IV. Introductory Remarks
- V. Nomination and election of Chair
- VI. Nomination and election of Vice Chair
- VII. Approval of Minutes from December 4, 2015
- VIII. Resolution discussion
- IX. Presentation of new COE Logo
- X. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 16-004
- XI. Items Pulled from Consent Agenda
 - a.
- XII. Executive Director Comments
- XIII. Commission Comments
- XIV. Public Comments
- XV. 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**

DECEMBER 4, 2015

**FRIDAY
11:00 A.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Michael S. Kridel, Chair
Clevis Headley, Vice Chair
Michael F. Loffredo
Judy M. Pierman
Sarah L. Shullman

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Interim Executive Director
Anthony C. Bennett, COE Investigator
Christie Kelley, COE Staff Counsel
Gina A. Levesque, COE Intake Manager
Leilani Yan, Manager, Human Resources (HR) Recruitment and Selection

ADMINISTRATIVE STAFF:

Recording: Andrea Javier, Deputy Clerk, Clerk & Comptroller's Office
Recording and Condensing: Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Commission on Ethics (COE) Chair Michael Kridel announced that Leilani Yan, HR Recruitment and Selection Manager, would brief the Selection Committee (Committee) on today's interviews.

IV. SELECTION COMMITTEE INTERVIEW BRIEFING

Ms. Yan stated that:

- Commissioners were given information packets containing the schedule.
 - Candidates were advised to arrive five minutes prior to scheduled appointment times.
 - During the five-minute period, she would instruct them to give a two-minute statement about their qualifications.
 - After receiving instructions, candidates would enter the chambers.
- Packets also contained suggested interview procedures. Timeframes would be adhered to as closely as possible.
 - Each commissioner could ask about four questions of each candidate. Candidates would have about six minutes to answer them, totaling approximately 42 minutes for each.
 - Commissioners could record notes on the candidates' responses, which were public information that candidates were entitled to read.
 - Follow-up questions were allowed. They could result from a candidate's statement that needed clarification, or from information included in application materials.
 - During the follow-up period, commissioners could ask questions concerning essay responses. Candidates could ask questions of the commissioners and make one-minute summary statements.
- Commissioners could discuss the written exercises after the interviews.
- The oral interviews began at 11:30 a.m.

V. ORAL INTERVIEW: Mark Bannon

Chair Kridel stated that he would refer to the commissioners as panelists. He informed candidate Mark Bannon that he was allowed to make a two-minute opening statement, and that the panelists would ask the same questions of each candidate.

In his opening statement, Mr. Bannon thanked the COE members for selecting him as a finalist. He said that for 25 years at the Palm Beach County Sheriff's Office (PBSO), he worked investigative assignments, and performed as commander in both investigative, patrol, and community relations assignments.

Commissioner Judy Pierman asked Mr. Bannon to describe the scope of his management experience for the past five years and to include the types of employees supervised, a description of the employer, and to whom he reported.

Mr. Bannon replied that:

- His management experience for the previous five years and one month was gained at the COE.
- After three years as COE chief investigator, he was involved in the hiring of two additional investigators.
- His management experience involved managing another investigator. He reported to the COE executive director.
- Beyond the five-year period, he held three different command positions with the PBSO.

Commissioner Pierman asked the following:

- What was the highest level of responsibility he possessed in policy-making?
- Details of policies he implemented in the process for establishing or recommending policy changes.

Mr. Bannon replied that:

- He held several policy-making positions.

V. – CONTINUED

- While a commander at the PBSO's public relations office, he also served on the Juvenile Justice Commission, which was a policy-making group.
- An inclusive input-gathering style helped implement policies.

Commissioner Pierman asked how he would establish effective working relationships with advisory boards.

Mr. Bannon said that:

- He acquired advisory board experience during the past five years working with the COE.
- Communication was the key.

Commissioner Pierman asked the following:

- When did he provide external community outreach for training and education purposes?
- How did he reply to public disagreement over the content?

Mr. Bannon said that:

- As an attorney, both COE Executive Directors Alan Johnson and Steven Cullen allowed him to do both the training and outreach. He had done nearly 100 in the past five years.
- If the COE followed the law and accomplished core functions, it deserved credit.
- If the COE did things incorrectly, it would make adjustments.

Commissioner Sarah Shullman asked Mr. Bannon to list the most critical elements of the investigative process, and how he would assess the quality of those elements for COE-conducted investigations.

V. – CONTINUED

Mr. Bannon replied that:

- The most critical element in any investigation was objectivity. Complaints were frequently accompanied by personal interpretations along with facts.
- Applying the law to the facts was based on an objective view of the evidence, regardless of what people thought occurred.

Commissioner Shullman asked Mr. Bannon how he approached complaints of fraud, mismanagement and corruption, and whether his approach differed according to the area investigated.

Mr. Bannon stated that:

- The Office of Inspector General investigated fraud, mismanagement, and corruption. The COE investigated the entities covered by the ordinances.
- He believed that methods of investigation would not differ because the processes of objectivity, gathering evidence, and understanding the evidence were standard procedure.

Commissioner Shullman asked Mr. Bannon for examples of successful collaboration with local, state, and federal law enforcement agencies, and the judiciary, and the techniques he employed.

Mr. Bannon replied that:

- As commander of the PBSO's fugitive warrant unit, he worked extensively with local agencies because nine detectives were not enough to serve all the warrants.
- He allowed local agencies to share the credit for the accomplishments in exchange for their cooperation.

Commissioner Shullman asked Mr. Bannon about the extent of his media relations experience, and his view and philosophy concerning the media.

V. – CONTINUED

Mr. Bannon stated that:

- He received advice from staff on various aspects of media relations when he supervised the PBSO's public relations unit.
- He believed that openness and honesty were essential elements of media relations.
- He considered the media a partner, not an adversary.

Chair Kridel asked Mr. Bannon how he interfaced with and utilized legal counsel in recent years.

Mr. Bannon said that:

- He reviewed all legal opinions for sufficiency with a small staff who worked very well together.

Chair Kridel asked Mr. Bannon for a description of his experience in administering budgets.

Mr. Bannon stated that:

- When he was at the PBSO under three different commands, he administered budgets of \$2-to-\$3 million, depending on which command he oversaw at the time.

Chair Kridel asked Mr. Bannon for an example that demonstrated his ability to analyze large amounts of complex data, and prepare summaries or financial reports.

Mr. Bannon said that:

- His Master's in Public Administration allowed him to understand public accounting, but he did not have that background.

Chair Kridel asked Mr. Bannon to describe the variety of recurring and complex reports he produced, and their recipients.

V. – CONTINUED

Mr. Bannon stated that:

- He produced investigative and inquiry reports for the COE for the past five years. Prior to the COE job, he reviewed reports of others as a supervisor or commander with the PBSO.

Chair Kridel asked Mr. Bannon about his experience representing or defending an administrative agency.

Mr. Bannon stated that:

- The PBSO's supervisory or management levels handled legitimate complaints within the framework of their investigations.
- Resolutions depended on facts and objectivity.

Chair Kridel asked Mr. Bannon whether he ever represented or dealt with a grievance committee while he was a solo practitioner.

Mr. Bannon said that he did not.

Commissioner Michael Loffredo asked Mr. Bannon to describe his experience with intergovernmental entities and how he worked with other sections and government branches or organizations while maintaining his independence.

Mr. Bannon stated that:

- The COE was an independent agency that cooperated with the County, other law enforcement agencies, cities and appointed officials, and the employees of those entities.
- Training and outreach programs were designed by the COE to encourage the entities to work within the rules and avoid violations.

Commissioner Loffredo asked Mr. Bannon to list the steps he would take to keep each COE member involved and motivated while maintaining a strong morale.

V. – CONTINUED

Mr. Bannon said that:

- The COE members were highly motivated because a small staff meant each member performed many tasks.
- Keeping staff motivated would be achieved by letting them know their input was valuable to the decision-making process.

Commissioner Loffredo asked Mr. Bannon to describe how he dealt with the most challenging personnel-related issue he faced.

Mr. Bannon said that:

- He found it challenging to dismiss two employees at the PBSO for rule violations.

Commissioner Loffredo asked Mr. Bannon about technologies he was aware of that might increase the COE's effectiveness or efficiency.

Mr. Bannon replied that:

- Although he was unfamiliar with operating the Twitter or Facebook sites, he was aware that staff used social media efficiently.

Vice Chair Clevis Headley asked Mr. Bannon to list his most significant accomplishment in the ethics arena.

Mr. Bannon answered that:

- He trusted that this position would lead to his most significant accomplishment.
- The County created a public-service position he always wanted to do.
- He did not want to stay in the criminal sphere. The ethics sphere is where he wanted to be.

Vice Chair Headley asked Mr. Bannon how he viewed the COE's executive director's role and the vision he would bring to the COE.

V. – CONTINUED

Mr. Bannon stated that:

- The COE's executive director role was multifaceted and involved statutory requirements and maintaining communication with the COE to implement the vision and goals proposed.
- He kept lines of communication open to the community, including the Palm Beach League of Cities and city managers, to welcome valuable input.

Commissioner Headley asked Mr. Bannon to describe how he handled an uncomfortable situation in a politically charged environment.

Mr. Bannon stated that:

- He oversaw the drug prevention education unit while working in the PBSO's community relations office. Anti-drug programs were presented in county middle schools and high schools.
- The County School Board (School Board) switched the program focus to an anti-violence campaign. Instructors and PBSO staff disagreed with the change, and he persuaded them to accept the School Board's direction to preserve the relationship.

Commissioner Headley asked how Mr. Bannon stayed current with trends in ethics administration and legislation.

Mr. Bannon replied that:

- Chief Assistant County Attorney Lenny Berger kept him informed of state issues with local impact.
- He attended international ethics conferences for shared information, and he viewed online blogs and ethics discussions.

Chair Kridel invited COE panelists to ask follow-up questions.

Commissioner Loffredo asked whether Mr. Bannon supervised the media relations unit at the PBSO.

V. – CONTINUED

Mr. Bannon replied that he was in charge of the public relations unit, and that he worked with the media relations unit to learn its techniques.

Commissioner Shullman asked Mr. Bannon whether his executive director style would differ from his predecessor's or remain the same.

Mr. Bannon stated that:

- He would continue the inclusive leadership style shown by his two predecessors.
- Training and outreach were important COE activities contributing to public understanding. His vision was to redevelop training and present a stronger public-outreach approach.

Commissioner Headley asked Mr. Bannon whether his PBSO experience would negatively affect his COE duties in any way.

Mr. Bannon replied that:

- He believed that PBSO experience would help him lead law enforcement personnel.

Chair Kridel asked Mr. Bannon to elaborate on why his written response to the hypothetical case presented was so passionate concerning financial disclosure.

Mr. Bannon stated that:

- He did not have the necessary information to give a comprehensive answer on the topic.
- It seemed unfair, based on salaries, that local officials were under the same guidelines as those who collected reasonable salaries to perform a constitutional officer's duties.

Commissioner Shullman asked Mr. Bannon whether he would have answered differently if given more time.

V. – CONTINUED

Mr. Bannon said that:

- He would have better laid out the answer had he known the disclosure requirements for constitutional officers.

Commissioner Shullman asked Mr. Bannon what his leadership style would lead the public to see in the COE.

Mr. Bannon replied that:

- He wanted the public to see that the COE was transparent and available to everyone in the community.

In his closing statement, Mr. Bannon thanked the COE for its consideration, and said that he was very interested in assuming this leadership role in the COE.

VI. ORAL INTERVIEW: Judith Levine

Ms. Judith Levine said in her opening statement that:

- She appreciated the opportunity to speak to the COE.
- After twenty-five years of working as an attorney, she amassed significant governmental law experience that led to board certification in city, county, and local government law.
- She also had managerial experience and her leadership skills focused on the mission and goals of her client. Those skills enabled her to work with a professional, effective entity.

Chair Kridel explained that each panelist would ask the same questions of each candidate, followed by potential follow-up questions, and a closing statement.

Commissioner Pierman asked Ms. Levine to describe the scope of her management experience in the last five years to include the types of employees supervised, a description of the employer, and the person she reported to in the organization.

VI. – CONTINUED

Ms. Levine stated that:

- The staff reporting to her included seven attorneys, 10 support staff, and the agency's risk management unit director. Outside counsel included individual attorneys and litigation law firms.
- She reported to the Broward County Sheriff's Office, and oversaw who was higher on the chain of command. She supported the General Counsel's Office personnel management, timekeeping, budget, and overall client satisfaction.

Commissioner Pierman asked Ms. Levine to explain the highest level she achieved for policymaking, provide details of policies she implemented, and the process she used to make policy changes. She also asked for her experience working with advisory boards.

Ms. Levine stated that:

- She gave legal advice for policy changes and was involved in high-level policy decisions, such as collective bargaining and any changes to standard operating procedures.
- She served on several advisory boards throughout her career. She currently served on a data workgroup advisory board to investigate data information security breaches within the Department of Health.

Commissioner Pierman asked Ms. Levine to give examples of when she provided external community outreach for training and education purposes, and how she responded to public criticism of the content presented.

Ms. Levine stated that:

- The BSO's leadership members attended various homeowners' associations meetings to explain the agency's mission and purpose and processes such as forfeiture.

VI. – CONTINUED

- She did not experience public negative responses to community outreach materials presented, although she received some negative feedback to her agency's presentations.

Commissioner Shullman asked Ms. Levine to list the most critical elements of the investigative process and how she would assess the quality of those elements for investigations conducted by the COE.

Ms. Levine stated that:

- Any investigation required matching the facts to relevant statutes or ordinances.
- An investigation could not go forward otherwise.

Commissioner Shullman asked Ms. Levine whether she would use different approaches for investigations into fraud, mismanagement, and corruption complaints.

Ms. Levine stated that:

- Certain elements were needed for each charge.
- The elements needed for fraud were different from those needed for mismanagement, so the investigation's course depended on what was needed.

Commissioner Shullman asked Ms. Levine for examples of successful collaborations with local, state, and federal law enforcement agencies, and the judiciary and the techniques she employed.

Ms. Levine stated that:

- She worked well on a collaborative basis with groups involved in her projects. She regularly appeared in court and adopted a working style that suited her and the courts.

Commissioner Shullman asked Ms. Levine about the extent of her media relations experience and her view and philosophy on dealing with the media.

VI. – CONTINUED

Ms. Levine stated that:

- She dealt indirectly with media outlets, and had great respect for the media, which she found to be indispensable.
- She was accustomed to working with media relations personnel and reviewing and assisting in the preparation of statements to the media, which she did at the General Counsel's Office, the Department of Children and Families (DCF), and with the BSO's public information officers.
- She believed in an open, respectful interaction with media representatives.

Chair Kridel asked Ms. Levine to describe instances when she interfaced with outside counsel in her current position.

Ms. Levine stated that:

- Her current position offered little opportunity for such interfaces. However, she did participate in contract negotiations for police services where there was opposing counsel.
- She attempted to create a relationship with opposing counsel during litigation because the matter was a collaborative effort.

Chair Kridel requested that Ms. Levine provide additional details on how she would carry out her responsibility in a larger-budget scenario.

- Anticipating office needs was important. She made monthly checks on budget status to assess needed allocation changes.
- She had to make hard budget decisions and provided alternatives when possible.

Chair Kridel asked Ms. Levine how she approached the analytical piece of financial reporting assigned to her and how she handled complex data.

VI. – CONTINUED

Ms. Levine stated that:

- The type of data and its structure directed her approaches.

Chair Kridel asked Ms. Levine to provide five categories of reports she wrote and the names of entities that received them.

Ms. Levine stated that:

- Legal opinions were given to clients, which were disseminated agency-wide.
- Her office staff distributed agency-wide legal notes, bulletins, case law updates, memos of law, motions, and appellate briefs filed with legal clerks.

Chair Kridel asked Ms. Levine whether she participated in defending any agencies or outside plaintiffs.

Ms. Levine replied that:

- She became familiar with liability defense issues at the DCF, and was involved in claims and lawsuits filed against the BSO.
- Currently, she was defending a particular lawsuit.

Commissioner Loffredo asked Ms. Levine to list her experience dealing with intergovernmental entities and working with other sections and branches of government, businesses and organizations, while maintaining independence.

Ms. Levine replied that:

- Her collegial style allowed her to work well with other agencies and government branches.
- She negotiated public service contracts, and drafted interlocal agreements during her employment with the BSO. She worked with many stakeholders on issues that included inter-agency agreements, and the Department of Juvenile Justice.

VI. – CONTINUED

Commissioner Loffredo asked Ms. Levine how she would keep the COE members and staff involved and motivated while maintaining high morale.

Ms. Levine stated that:

- She believed that communication and dialogue were crucial.
- She would provide updates so that all were aware of current events, goals, and next steps.

Commissioner Loffredo asked Ms. Levine to describe the most challenging personnel-related issue she dealt with, and how it was resolved.

Ms. Levine stated that:

- The most challenging personnel-related issue she faced involved her agency's reduction in force that required a layoff.

Commissioner Loffredo requested that Ms. Levine describe the technologies she was aware of that could potentially increase the efficiency and/or effectiveness of the COE's operations.

Ms. Levine stated that:

- She was impressed by several aspects of the COE's Web site, but was not familiar with the use of Twitter or Facebook.
- She would work to learn the programs if they proved to be useful tools to the COE.

Commissioner Headley asked Ms. Levine to describe her most significant accomplishment in the ethics area.

Ms. Levine replied that:

- Incorporating the details of the Broward County Ethics Ordinance into the appropriate forms and practices at the BSO was one accomplishment, but teaching the importance of ethics was her ongoing most significant accomplishment.

VI. – CONTINUED

Vice Chair Headley asked Ms. Levine how she viewed the role of the COE's executive director and what vision she would bring to the position.

Ms. Levine stated that:

- The position consisted of several roles, which included drafting or presenting the advisory opinions for approval; educating and updating commissioners; managing the COE office; and community outreach.

Vice Chair Headley asked Ms. Levine to describe a situation where she was required to take an uncomfortable position in a politically charged environment.

Ms. Levine stated that:

- She experienced several politically charged situations in which she had to respectfully express disagreement. She learned that focusing on areas of agreement geared toward a win-win outcome was always helpful.

Vice Chair Headley asked Ms. Levine to explain how she stayed current with trends in ethics administration and legislation.

Ms. Levine stated that:

- Continuing legal education while she studied for board certification was particularly helpful during the previous two years.

Chair Kridel asked Ms. Levine whether she had any questions for the panelists.

Ms. Levine said that she would like to hear what the commissioners wanted to see in an executive director.

Chair Kridel stated that community outreach was a critical element, especially in an upcoming election year, in addition to writing skills.

Ms. Levine asked about the frequency of communication between the executive director and the advisory board.

Chair Kridel replied that communications were conducted between monthly meetings and other gatherings, as needed.

VI. – CONTINUED

Commissioner Shullman asked Ms. Levine to elaborate on her vision for the roles of executive director and the COE.

Ms. Levine said that she would continue current initiatives and establish one day to convey the ethics message to high school students.

Commissioner Pierman asked Ms. Levine to elaborate on her vision for the County in terms of ethics.

Ms. Levine stated that she would seek additional teaching opportunities for the COE in the community.

Vice Chair Headley asked Ms. Levine whether her previous work experience would compromise her authority as director of the COE.

Ms. Levine said that she knew of nothing that would affect her serving as the COE's executive director.

Mr. Loffredo asked Ms. Levine's opinion concerning background checks of elected officials at all government levels.

Ms. Levine stated that:

- Candidates for government jobs were in the public eye, and the Form Sixes were more complex than the Form Ones.
- For those already in office, an accounting of income or completed tax returns were appropriate.

In her closing statement, Ms. Levine stated that her broad background of litigation, management, and diverse general governmental law issues prepared her to deal with challenging issues, the media, and legislation drafting. She said she wished to be considered for the position.

RECESS

At 1:00 p.m., the chair announced a recess.

RECONVENE

At 1:30 p.m., the meeting reconvened with Chair Kridel, Vice Chair Headley, and commissioners Loffredo, Pierman, and Shullman present.

VII. ORAL INTERVIEW: Gary Lippman

Mr. Lippman said in his opening statement that:

- He believed in public service and government, and sought a challenge.
- Most of his career was devoted to investigating accusations of public employees misusing their positions.

Commissioner Pierman asked Mr. Lippman to describe his management experience during the past five years, the types of employees he supervised, including a description of the employer and the person he reported to in the organization.

Mr. Lippman stated that:

- As general counsel for the Palm Beach County Police Benevolent Association (PBA) for 15 years, he supervised attorneys and legal assistants on contract matters to ensure timely completion.

Commissioner Pierman asked Mr. Lippman to describe the highest level of responsibility he possessed for policymaking, and to give some brief details of policies he implemented in the process for establishing or recommending policy changes.

Mr. Lippman stated that:

- Policies in the organization he worked for were established by executive boards and the presidents. He established intake procedures, counsel assignments, deadlines.
- He wrote many amendments to the statute governing the investigations of correction officers, law enforcement officers, and probation officers.

VII. – CONTINUED

Commissioner Pierman asked Mr. Lippman about his advisory board experience,

Mr. Lippman said that:

- He worked with boards of duly elected representatives for public-sector employee unions to advise them on organization matters, member activities, and legal services.

Commissioner Pierman asked Mr. Lippman whether he provided external community outreach for training and education purposes and how he responded to criticism of the content presented.

Mr. Lippman stated that:

- He was not called on to provide community outreach, but did write training manuals for PBA representatives that explained law and public employment, Florida's labor law, and their responsibilities as representatives.
- He played an instructive role and explained how laws and rules were applied. He welcomed others' ideas.

Commissioner Shullman asked Mr. Lippman to list the most critical elements of the investigative process and how he would assess the quality of those elements for investigations conducted by the COE.

Mr. Lippman replied that:

- He ensured that his investigations were objective by gathering the relevant evidence in fair, unbiased ways, and ensuring that witnesses were credible, and that the process was even-handed.
- He first examined elements of the investigation's quality and whether an employee received a full and fair opportunity to explain his or her conduct.

Commissioner Shullman asked Mr. Lippman whether his approach to investigations into complaints of fraud, mismanagement and corruption differed, and if so, in which ways.

VII. – CONTINUED

Mr. Lippman stated that:

- Employee and any management responsibilities needed to be considered; fraud required an element of intent while mismanagement was relative.

Commissioner Shullman asked Mr. Lippman for examples of his successful work with local, state, and federal law enforcement agencies, and the judiciary, and to include techniques he employed.

- As an attorney, he successfully examined the quality of investigations and evidence gathered.
- His court experiences usually involved challenges to administrative actions, as some were reviewed in court for administrative findings.

Commissioner Shullman asked Mr. Lippman to describe his media relations experience, and his philosophy on media relations.

Mr. Lippman stated that:

- He received media phone calls regularly about current events, but, as an attorney, spent little time addressing those concerns unless it was in the interest of his client.
- He believed the media served a valuable purpose.

Chair Kridel asked Mr. Lippman how he interfaced with other attorneys in his current position.

Mr. Lippman said that:

- He believed in full disclosure so that opposing counsel understood his strategy and his weaknesses and in the interest of reaching a resolution.
- He found that matters were unlikely to settle when municipalities and agencies consulted outside counsel.

Chair Kridel asked Mr. Lippman about his involvement in administering budgets.

VII. – CONTINUED

Mr. Lippman said that:

- He dealt with budgets when outside counsel became involved in specialized matters concerning the organization budgets.

Chair Kridel asked Mr. Lippman whether he ever received large amounts of data to assimilate.

Mr. Lippman stated that:

- He valued the public records law in advance of impasse proceedings concerning an employee's ability to pay for annual financial reports.
- In his position, he submitted complex written internal reports as requested.

Chair Kridel asked Mr. Lippman whether his work was focused on individual law enforcement officers.

Mr. Lippman said that he represented the entire organization for unfair labor practices before the Public Employees Relations Commission.

Commissioner Loffredo asked Mr. Lippman for his experience working with intergovernmental entities, businesses and organizations while maintaining his independence.

Mr. Lippman stated that:

- He was currently negotiating terms of the law enforcement agreement between the City of Greenacres and the PBSO.
- Clients were not always receptive to advice, although the PBA organization ensured that he justified his legal positions.

Commissioner Loffredo asked Mr. Lippman how he would keep COE members involved and motivated, while keeping morale high.

VII. – CONTINUED

Mr. Lippman said that:

- He believed in teamwork and a collaborative approach.
- He intended to create and maintain an environment of support.

Commissioner Loffredo asked Mr. Lippman for a description of the most challenging personnel-related issue he managed and the steps he took to resolve it.

Mr. Lippman stated that:

- One of his most challenging cases involved a prosecution of correction officers, known as the hospital guard duty overtime case, where he represented the officers. He felt some satisfaction when the Fourth District Court of Appeal overturned two of the convictions.
- It was challenging because he was frustrated in his ability to convince others that there was no intent on the part of the officers and that a policy failure occurred.

Commissioner Loffredo asked Mr. Lippman whether he was aware of technologies that might increase the efficiency or effectiveness of the COE.

Mr. Lippman said that:

- Technologies such as Facebook and virtual schools afforded learning opportunities revolving around personal schedules. The COE should use them as resources.

Vice Chair Headley asked Mr. Lippman to describe his most significant accomplishment in the ethics area.

Mr. Lippman said that:

- His most lasting accomplishment was the anti-cheating stance taken by his children.

VII. – CONTINUED

Vice Chair Headley asked Mr. Lippman to describe his view of the COE's executive director role, and the vision he would contribute.

Mr. Lippman said that:

- He would continue the vision of former Executive Director Alan Johnson.
- He would encourage ethics to be part of the curriculum taught in schools.

Vice Chair Headley asked Mr. Lippman to describe a politically charged situation requiring him to take an uncomfortable position, and how he handled it.

Mr. Lippman stated that:

- The current merger between the PBSO and the City of Greenacres was an example.
- There was also an agenda in the City of Delray Beach proposing to dismantle his policy officers' pensions. The past several years he had to push for agreements to be reached involving people's retirements.
- He also took positions that led to reductions in benefits and expectations of his clients.

Vice Chair Headley asked Mr. Lippman how he stayed current with trends in ethics administration and legislation.

Mr. Lippman replied that:

- He kept current with newspapers and used the Florida Bar Association Ethics Hotline for several issues. He also viewed the COE's Web site for information.

Chair Kridel invited Mr. Lippman to ask questions.

Mr. Lippman asked why the COE sought its third director since 2011.

VII. – CONTINUED

Chair Kridel stated that:

- Former Executive Director Steve Cullen's reason for leaving was not related to the COE work or its members, but rather personal.

Mr. Lippman asked whether the COE experienced resistance when it was established.

Chair Kridel stated that:

- Any initial resistance subsided over time as the COE became part of the County organism and the volume of issues decreased.

Mr. Lippman asked whether the COE experienced budget conflicts.

Chair Kridel replied that he was unable to answer the question. He said that the floor was open for any follow-up questions from the panelists.

Commissioner Shullman asked Mr. Lippman how he would handle public opinion during controversial COE decisions.

Mr. Lippman said that:

- If the facts and evidence of the investigation were objective, he would stand by the COE's decisions.
- He was comfortable allowing his investigators to do their jobs with no interference from him.

Commissioner Shullman asked Mr. Lippman how he kept politics out of his decision-making process.

Mr. Lippman said that in his politically active position, he publicly supported decisions from elected officials and kept personal opinions private.

Commissioner Pierman asked Mr. Lippman whether he spoke Spanish, since he handled some bilingual video production with the Spanish Educational Services.

Mr. Lippman said that he did not speak it today as well as he did years ago.

VII. – CONTINUED

Chair Kridel asked Mr. Lippman to specify any question that he would like to be asked.

Mr. Lippman replied that he could not think of any questions.

Vice Chair Headley asked Mr. Lippman whether any of his previous work experience would make it difficult for him to function as a successful executive director.

Mr. Lippman said that he could not anticipate such a difficulty.

Commissioner Loffredo commented that Mr. Lippman's written exercise indicated his approval of increased finance reporting from elected officials.

Mr. Lippman stated that:

- He approved of it personally and professionally.
- He believed that public service did not entail personal enrichment, and that additional disclosures would be helpful to all.

In his closing statement, Mr. Lippman stated that he looked forward to the challenge.

VIII. ORAL INTERVIEW: Kimberly Tendrich

Chair Kridel welcomed candidate Kimberly Tendrich and explained the order of the interview.

In her opening statement, Ms. Tendrich said that:

- As an attorney for 27 years working at state and county levels, she was interested in the biomedical aspects of ethics. She believed that ethics were important to establishing public trust and that government officials should be held to a higher standard.
- At the Department of Health (DOH), where she worked, employees were bound by an ethics law and an ethics policy.

VIII. – CONTINUED

- Her experience, teamwork approach, and objectivity would be valuable to the job.

Commissioner Pierman asked Ms. Tendrich to elaborate on the scope of her management experience in the past five years, including the types of employees supervised, a description of the employer, and the person to whom she reported.

Ms. Tendrich stated that:

- Prior to her job as privacy officer with the DOH, she was general counsel to the State Tuberculosis Hospital (hospital). She reported to the hospital's chief executive officer and to the medical director. She supervised the risk management department, and the hospital's human resources liaison.
- Currently, she reported to the deputy general counsel of the DOH, who was based in Tallahassee and who reported to the general counsel.

Commissioner Pierman asked Ms. Tendrich to elaborate on the highest level of responsibility she attained for policymaking, policy details she implemented, and the process she used for establishing or recommending policy changes.

Ms. Tendrich replied that:

- As privacy officer, she helped develop policies consistent with national and State laws concerning privacy. While working as general counsel to the hospital, she served on the review committee, which analyzed every policy annually for consistency with hospital care regulations.

Commissioner Pierman asked Ms. Tendrich for a description of her experience with advisory boards, and how she established effective working relationships with them.

Ms. Tendrich stated that:

- She drafted breach notification policies and reviewed department information security and privacy policies.
- She worked with advisory boards at the County Attorney's Office, and at the hospital. She was a current member of a data workgroup advisory board that formed as a result of data security breaches at the DOH.

VIII. – CONTINUED

Commissioner Pierman asked Ms. Tendrich for examples of when she provided external community outreach for training and education purposes and how she responded to public criticism over the content presented.

Ms. Tendrich stated that:

- She worked in a teaching capacity at the University of Florida, and lectured on medical ethics issues, which emerged often when isolating patients.
- When a disagreement emerged, she relied on case law applicable to public protection.

Commissioner Shullman asked Ms. Tendrich to list the most critical elements of an investigative process, and how she assessed the quality of those elements for investigations conducted by the COE.

Ms. Tendrich stated that:

- The most critical investigative element was thorough and relevant questioning.
- Other elements included private interviews with all involved, and with the assurance of no repercussions.

Commissioner Shullman asked Ms. Tendrich whether her approach to investigations of fraud, mismanagement and corruption, as complaint areas, varied and if so, how.

Ms. Tendrich stated that:

- Policies and procedures applied to mismanagement cases.
- Fraud required individual interviews, and a review of assets.
- Corruption contained an element of intent that needed investigation.

VIII. – CONTINUED

Commissioner Shullman asked Ms. Tendrich for examples of successful work with local, State, federal law enforcement agencies, and the judiciary, and techniques employed to attain results.

Ms. Tendrich said that:

- There was a recent case involving tax fraud and security breach, during which she worked with federal investigators and local law enforcement to seize computers and secure search warrants.
- Several local offices statewide reported improper filings of tax returns, which resulted in several staff being put on administrative leave during internal investigations, and more computer audits.

Commissioner Shullman asked Ms. Tendrich to describe the extent of her media relations experience, how she viewed the media, and her philosophy on dealing with the media.

Ms. Tendrich stated that:

- The DOH Public Information Officer (PIO) dealt directly with media outlets.
- She interacted frequently with the PIO by supplying information to fulfill media requests.
- While dealing with infectious diseases at the hospital, she saw a lot of media inquiries come in. She had to vet the information being disclosed to ensure individuals' privacy remained.

Chair Kridel asked Ms. Tendrich to describe how she interfaced with other attorneys at her previous position.

Ms. Tendrich stated that:

- She reviewed incident reports, and directed the attorneys to the investigation procedure.

VIII. – CONTINUED

- After the investigation was completed, she discussed with the attorney involved whether a risk assessment was needed, and whether a breach occurred.

Chair Kridel asked Ms. Tendrich about her budgeting experience.

Ms. Tendrich stated that:

- She was not assigned any budget responsibilities in 27 years.
- She submitted annual statistical breach reports to the DOH and the Health and Human Services (HHS) Department.

Chair Kridel asked Ms. Tendrich whether she had occasion to represent the agency in trial.

Ms. Tendrich stated that she had, in administrative proceedings of bid protests.

Commissioner Loffredo asked Ms. Tendrich to describe her experience working with intergovernmental entities, and other branches of government and business organizations while maintaining independence.

Ms. Tendrich stated that:

- She occasionally worked for the Agency for Health Care Administration (AHCA) on electronic medical records and patient portals.
- As the privacy officer for the DOH, the AHCA, local health departments, and law enforcement sought her advice in many areas.

Commissioner Loffredo asked Ms. Tendrich how she would keep COE members involved and motivated while maintaining a high morale.

Ms. Tendrich stated that:

- Communication was the key to morale and to making people feel valuable.

Commissioner Loffredo asked Ms. Tendrich for the most challenging personnel-related issue she faced, and how she resolved it.

VIII. – CONTINUED

Ms. Tendrich stated that:

- While working at the hospital, the hospital administrator, who was later investigated for fraud, threatened to access an off-limits computer without permission from IT or attorneys to delete records. He also threatened employees with job loss.
- At the risk of losing her job, she called the State Inspector General, who started an investigation.

Commissioner Loffredo asked Ms. Tendrich whether she knew of technologies that could increase the efficiency and effectiveness of COE operations.

Ms. Tendrich stated that:

- Having COE opinions readily available was beneficial to individuals.
- Technology was excellent for training purposes, but nothing replaced hands-on personal training.
- Electronic publishing of opinions was vital for employees and the public.

Vice Chair Headley asked Ms. Tendrich to discuss her most significant ethics accomplishment.

Ms. Tendrich stated that the hospital did not have an ethics board when she arrived. She said that she partnered with the medical director and the chief executive officer (CEO) to establish it.

Vice Chair Headley asked Ms. Tendrich for her view of the COE's executive director role, and to describe the vision she would bring to the job.

Ms. Tendrich stated that:

- Her current position prepared her to serve as COE executive director because she currently reviewed policies and procedures for compliance with federal law.

VIII. – CONTINUED

- She believed that training was important and that County employees needed ethics reinforcement training.

Vice Chair Headley asked Ms. Tendrich for a description of a politically charged environment when she was required to make an uncomfortable decision, and how she handled it.

Ms. Tendrich stated that:

- The DOH's acceptance of a major procedural change was a political hurdle that resulted in positive outcomes with no risk to taxpayers.

Vice Chair Headley asked Ms. Tendrich how she stayed current with trends in ethics administration and legislation.

Ms. Tendrich stated that:

- She received informational security privacy updates electronically.
- She communicated with others throughout the country concerning ethics issues, read publications, and attended conferences.

Chair Kridel invited Ms. Tendrich to ask questions.

Ms. Tendrich asked whether the COE was affected by resistance to sharing the costs of maintaining the Inspector General's Office (IGO).

Chair Kridel explained that:

- The COE panelists, plus the State Attorney's Office and the Public Defender's Office oversaw the IGO.
- There was no impact on the COE.

Ms. Tendrich asked how the IGO was funded.

Chair Kridel explained that the IGO underwent litigation involving contribution by various jurisdictions subject to the IGO's oversight.

VIII. – CONTINUED

Commissioner Shullman asked Ms. Tendrich how she would transfer her healthcare experience into ethics work.

Ms. Tendrich said that she would evaluate and investigate issues in ethics as she was trained to do in healthcare.

Commissioner Shullman asked Ms. Tendrich how she would represent the COE at times of public unwillingness to accept COE decisions on funding or training.

Ms. Tendrich said that:

- Decisions that were based on evidence and COE confidence would be made public, regardless of public opinion.

Commissioner Pierman asked whether Ms. Tendrich, as COE executive director, would advocate for writing position papers.

Ms. Tendrich stated that she did not actually write position papers, but did gather evidence in response to requests for information from the HHS. State employees merely made recommendations to superiors, she said.

Chair Kridel asked Ms. Tendrich whether she had Facebook or Twitter accounts.

Ms. Tendrich said that she had a Twitter account that she did not use.

Chair Kridel asked Ms. Tendrich to define a core value.

Ms. Tendrich said that:

- A core value was morality-based and environmentally based.
- A core value was the combination of one's growing-up environment and one's moral compass to determine right and wrong.

Chair Kridel asked Ms. Tendrich to tell the panel something she wanted them to know and was not asked.

Ms. Tendrich stated that she could not think of any topic in particular.

VIII. – CONTINUED

In her closing statement, Ms. Tendrich stated that:

- Her well-rounded career path gave her experience in working with law enforcement, directors, and administrators, with an open, objective attitude.
- Her skills in developing, enforcing, and amending policies and procedures would be valuable to the job.

RECESS

At 3:00 p.m., the chair announced a recess.

RECONVENE

At 3:15 p.m., the meeting reconvened with Chair Kridel, Vice Chair Headley, and Commissioners Loffredo, Pierman, and Shullman present.

IX. PANEL REVIEW OF CANDIDATES' WRITTEN EXERCISES

IX.A. MARK BANNON

Chair Kridel stated that Mr. Bannon appeared unresponsive to the written assignment and that ample time was not always a possibility.

Commissioner Shullman stated that she shared the same concern, and understood Mr. Bannon's reply that he was unfamiliar with the subject matter. She said that she appreciated his honesty.

Commissioner Loffredo stated that in his assignment, Mr. Bannon alluded to researching the issues and said that he would provide a draft copy of his position within the next 60 days.

Vice Chair Headley said that Mr. Bannon explained his position adequately for clarification purposes.

Chair Kridel stated that not knowing the law was irrelevant to answering the question correctly.

IX.B. JUDITH LEVINE

Chair Kridel stated that Ms. Levine met the assignment's criteria, but her one-week deadline was unrealistic. He said that she identified some issues, but did not describe a plan of action.

Commissioner Shullman said that Ms. Levine's exercise came the closest to answering the questions the way they were asked. She said that she identified issues, cited chapters and forms from memory, and did a fine job in 45 minutes.

IX.C. GARY LIPPMAN

Chair Kridel stated that Mr. Lippman inappropriately inserted personal politics into his answers. He said that he identified research issues but analyzed concepts and politics at an intellectual level instead of the real issues proposed by the case study.

Commissioner Loffredo said that Mr. Lippman divided up the issues as a path that could be elaborated on more fully.

Commissioner Shullman said that his answer regarding keeping the politics out and staying out of it was adequate in the interview.

IX.D. KIMBERLY TENDRICH

Chair Kridel stated that Ms. Tendrich was redundant, did not provide a timeline, did not address budgeting and other issues, and created more questions than answers in the written exercise.

Commissioner Loffredo said that he agreed with Chair Kridel.

Commissioner Shullman said that Ms. Tendrich appeared to be thinking through and analyzing the issues, but seemed to have run out of time.

Chair Kridel announced that the group reached consensus that the written documents should not be ranked, but they should be considered as part of the entire picture.

X. PUBLIC COMMENT – None

X.A. PANEL DISCUSSION/SELECTION DECISION

Chair Kridel requested direction from Ms. Yan.

Ms. Yan said that during the Inspector General (IG) selection process, each commissioner ranked candidates for first, second, and third choices, with Ms. Yan and COE Intake Manager Gina Levesque tallying them.

Chair Kridel requested that the panelists write down the names of their two top choices.

Following the tally, Chair Kridel announced that the first place went to Mark Bannon, and the second place was Gary Lippman, with four out of five votes favoring Mr. Bannon and three votes favoring Mr. Lippman. He said that Ms. Levine received one vote for first place, and that Ms. Tendrich received none for first place.

MOTION to nominate Mark Bannon as the new COE executive director, with four of five commissioners ranking him in first place. Motion by Sarah Shullman, and seconded by Judy Pierman.

Commissioner Shullman stated that an opportunity should be present for anyone who opposed the nomination to speak.

Chair Kridel asked whether the tally should be the only criteria to be considered for the selection. He said that the floor was open for discussion on criteria other than a numerical tally.

Commissioner Loffredo said that Mr. Bannon's experience and knowledge of the COE system was known, that he favored transparency, and that those factors elevated him to a number one ranking by four panelists.

Commissioner Pierman remarked that the process spoke, and that the decision was made collectively.

Commissioner Shullman stated that Mr. Bannon gave succinct answers during the interview based on relevant experience, which made him a strong candidate. She added that he gave thoughtful answers on the written portion.

UPON CALL FOR A VOTE, the motion carried 5-0.

X.A. – CONTINUED

Chair Kridel asked the panelists to submit the interview evaluation forms and any notes to HR.

XI. ADJOURNMENT

At 4:21 p.m., the chair declared the meeting adjourned.

APPROVED:

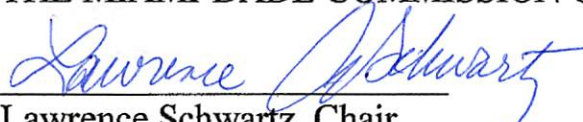
Chair/Vice Chair

**RESOLUTION
OF THE MIAMI-DADE COMMISSION
ON ETHICS AND PUBLIC TRUST
IN OPPOSITION TO HB 1021 AND SB 1220**

The Miami-Dade Commission on Ethics and Public Trust opposes passage by the Florida Legislature of the current versions of House Bill 1021 and Senate Bill 1220. The current proposals, which eliminate mandatory attorney fee awards in public records law suits, will have a negative impact on Florida citizens' access to government records and on government accountability. The Commission believes that attorney fee awards in such cases should be mandatory, but that judges should retain discretion to set the amount of the fee award based on what is reasonable in the circumstances of a particular case. The Commission believes that the Florida Legislature should find a balanced solution which effectively discourages abusive uses of the Public Records Act without adversely affecting the rights of citizens to gain access to public records.

PASSED 4-0 on this 10th day of February, 2016

THE MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


Lawrence Schwartz, Chair

CITY OF JACKSONVILLE



JOE JACQUOT
CHAIR

TOM PAUL
VICE CHAIR

YWANA ALLEN
BRIAN AULL
RICHARD A. BROWN
GEORGE CANDLER

ETHICS COMMISSION

JOHN HARTLEY
DAVID RYBAK
ANTHONY SALEM

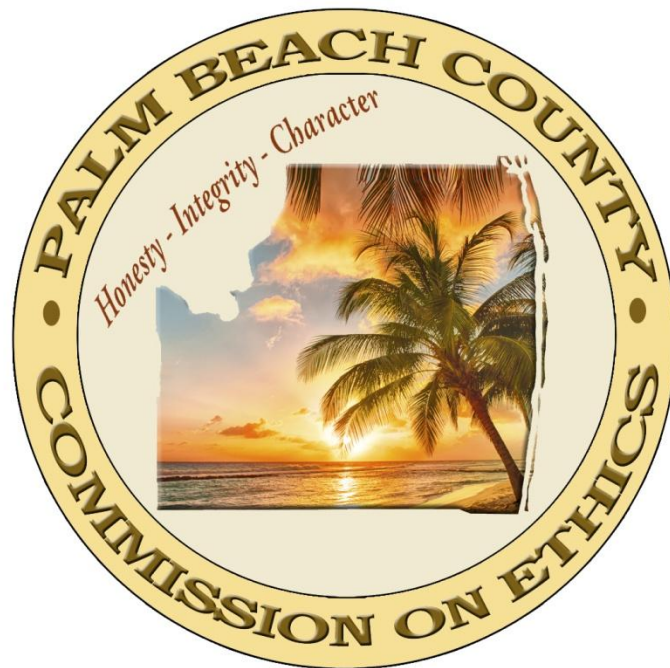
RESOLUTION OF THE JACKSONVILLE ETHICS COMMISSION

February 1, 2016

The Jacksonville Ethics Commission unanimously opposes the Florida Legislature moving forward on the current versions of House Bill 1021 and Senate Bill 1220. The current proposals, which eliminate mandatory attorney fee awards in public record cases, will have a negative impact on Florida citizens' access to government records and on government accountability. With additional input from local Florida Ethics Commissions and citizen groups, a more balanced solution can be achieved that can effectively decrease abuses of the law without adversely affecting citizen rights.

Unanimously passed 9-0

VII. New COE Logo





Palm Beach County Commission on Ethics

Commissioners

Michael S. Kridel, Chair
Clevis Headley, Vice Chair
Michael F. Loffredo
Judy M. Pierman
Sarah L. Shullman

Executive Director

Mark E. Bannon

February 26, 2016

Ms. Kristina Henson, Executive Director
Palm Beach County Criminal Justice Commission
301 N Olive Ave
West Palm Beach, FL 33401

Re: RQO 16-004
Jurisdiction of the COE

Dear Ms. Henson,

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:

Whether and in what context public sector and private sector members of the Palm Beach County Criminal Justice Commission (CJC) are subject to the Palm Beach County Code of Ethics (Code) when they are either appointed or required by law to be a member of the CJC?

ANSWER:

The COE has jurisdiction over all county and municipal officials and employees, including most county or municipal advisory board members. These officials and employees are generally subject to the Palm Beach County Code of Ethics. Under the Code, the definition of an official includes those who serve on volunteer boards and commissions as "members appointed by the county commissioners...to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity."¹ An advisory board is defined as "any advisory or quasi-judicial board created by the board of county commissioners..."²

The CJC is an advisory board created by the board of county commissioners. The CJC is comprised of members who are either appointed to the board by the Palm Beach County Board of County Commissioners (BCC) or are required by ordinance to sit on the board. Therefore, any person appointed by the BCC to serve on that advisory board is considered an official and is subject to the jurisdiction of the COE in his or her capacity as an appointed member of the CJC. This jurisdiction originates from the appointment to the board

¹ §2-442

² Id.

itself by the BCC. Thus, persons employed in the private sector and persons employed with other agencies who may not normally be within the COE's jurisdiction through their outside employer become subject to the COE's jurisdiction through their appointment to the CJC by the BCC. However, those persons who are required by ordinance to be a member of an advisory board or commission, and are not appointed to the board or commission by either the BCC or a municipal governing body, do not meet the Code's definition of an official. Since those persons are not considered officials, they are not under the jurisdiction of the COE and are not subject to the Code.³

Whether a member of the CJC is subject to the Code of Ethics is determined by whether the member is already under the jurisdiction of the COE based on their public employment or position, whether the member was appointed to the board by the BCC, and whether the member was required by ordinance to be a member of the board.

Based on the information provided, the members of the CJC who are appointed to the CJC by the BCC and because of that appointment are subject to the Palm Beach County Code of Ethics are as follows:

- the 10 private sector individuals nominated by the Palm Beach County Economic Council,
- the clergy member nominated by the CJC,
- the mayor or commissioner of the BCC,
- the Palm Beach County League of Cities member, and
- the West Palm Beach Police Department Chief.

The members of the CJC who are not appointed to the CJC but instead are required by ordinance to be a member of CJC, are not otherwise under COE jurisdiction and thus, are not subject to the Code are as follows:

- the Palm Beach County Sheriff,
- the State Attorney,
- the Public Defender,
- the Clerk of the Palm Beach County Circuit Court,
- the Chief Judge,
- the Juvenile Division Administrative Judge,
- the Supervisory Special Agent of the Federal Bureau of Investigation,
- the Senior Agent of the Drug Enforcement Administration,
- the Palm Beach County School Board member,
- the Palm Beach Association of Criminal Defense Lawyers member,
- the Florida Department of Juvenile Justice District IX Juvenile Justice Manager,
- the Resident Agent in Charge of the Bureau of Alcohol, Tobacco and Firearms,
- the Florida Department of Corrections Circuit Administrator,
- the Florida Department of Law Enforcement Supervisory Special Agent, and
- the United States Attorney or Assistant U.S. Attorney.

³ RQO 11-089 (where a pension plan member was appointed by the pension board itself, and not by a municipal governing body, and the member was not otherwise subject to oversight based upon a status as a municipal employee, those members appointed by the pension board were not subject to the Code. However, the board members who were appointed by the governing body were subject to the Code); RQO 11-107 (where a county-wide board was created through interlocal agreement, members of the board appointed by the county or by a municipal governing body were officials. However, board members who were not appointed by the County or by a municipal governing body were not under the jurisdiction of the COE).

The CJC also has certain members who could be subject to the Palm Beach County Code of Ethics, depending on their public employment status. If the member is already under the jurisdiction of the COE and subject to the Code based on his or her public employment, then he or she would still be subject to the Code as a CJC member. The members of the CJC who may be subject to the Code of Ethics under this situation are as follows:

- the Police Chiefs Association representative,
- the Crime Prevention Officers' Association president, and
- the Palm Beach County Legislative Delegation member.

For example, the Police Chiefs Association representative would be subject to the Code if the representative is a municipal police officer since municipal employees are under the jurisdiction of the COE. However, if the representative is employed by the Palm Beach County Sheriff's Office or the Palm Beach County School Board, then the representative would not be subject to the Code because employees of those two agencies are not under the jurisdiction of the COE. Similarly, the Crime Prevention Officers' Association president would be subject to the Code if the president is a municipal police officer since municipal employees are under the jurisdiction of the COE. However, if the president is employed by Palm Beach County Sheriff's Office or the Palm Beach County School Board, then the president's employment would not subject him or her to the Code. Finally, the Palm Beach County Legislative Delegation member would be subject to the Code if he or she is an employee of the county's Legislative Delegation Office since county employees are under the jurisdiction of the COE.

FACTS:

You are the Executive Director of the CJC. You would like clarification on whether certain members of the CJC are subject to the Palm Beach County Commission on Ethics. The CJC is comprised of 21 public sector members representing local, state, and federal criminal justice and governmental agencies, and 12 private sector business leaders representing the Economic Council of Palm Beach County. The public sector membership includes:

- (1) Mayor or Commission member of the Palm Beach County Board of County Commissioners.
- (2) Palm Beach County Sheriff.
- (3) State Attorney, 15th Judicial Circuit
- (4) Public Defender, 15th Judicial Circuit.
- (5) Clerk of the Palm Beach County Circuit Court
- (6) Chief Judge, 15th Judicial Circuit.
- (7) Administrative Judge, Juvenile Division, 15th Judicial Circuit.
- (8) Supervisory Special Agent, Federal Bureau of Investigation, West Palm Beach.
- (9) Senior Agent, Drug Enforcement Administration, West Palm Beach.
- (10) Member, Palm Beach County School Board.
- (11) Member, Palm Beach County Legislative Delegation.
- (12) Member, Palm Beach County League of Cities.
- (13) District IX Juvenile Justice Manager, Florida Department of Juvenile Justice.
- (14) Representative of Police Chiefs Association.
- (15) Resident Agent in Charge, Bureau of Alcohol, Tobacco and Firearms (ATF), West Palm Beach Field Office, U.S. Treasury Department.
- (16) Chief, West Palm Beach Police Department.
- (17) Circuit Administrator, Florida Department of Corrections, 15th Judicial Circuit.
- (18) Supervisory Special Agent, Florida Department of Law Enforcement.
- (19) President, Crime Prevention Officers' Association.

- (20) United States Attorney, Southern District of Florida or Assistant U.S. Attorney, West Palm Beach.
- (21) Member, Palm Beach Association of Criminal Defense Lawyers.

The private sector membership is made up of 10 persons who are nominated by the Palm Beach County Economic Council, but not necessarily members of the Economic Council. These nominations are then submitted to the Palm Beach County Board of County Commissioners for approval. One at-large member of the local clergy is also nominated by the Criminal Justice Commission and approved by the Board of County Commissioners.

LEGAL BASIS:

The legal basis for this opinion is found in §2-442 of the Code: **Sec. 2-442. Definitions.**

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assume they are true for purposes of this advisory opinion. 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,



Mark E. Bannon
Executive Director
CEK/gal