

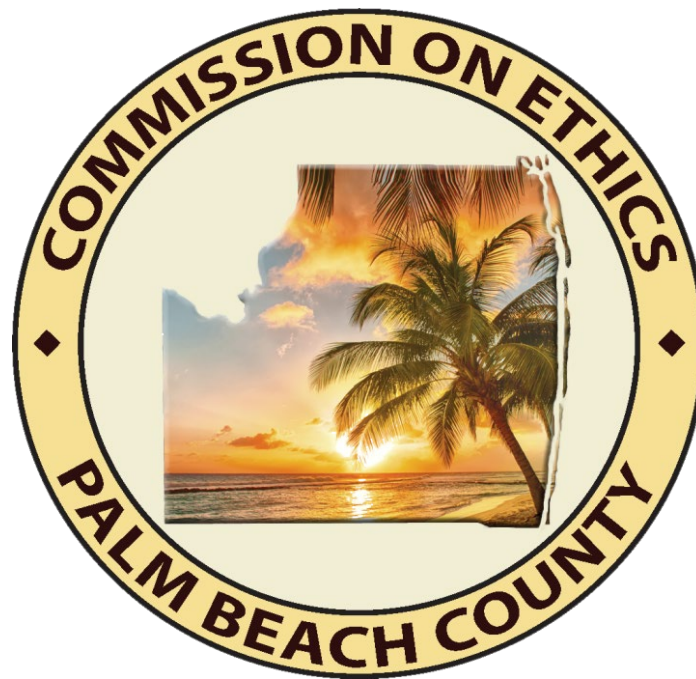
Honesty - Integrity - Character

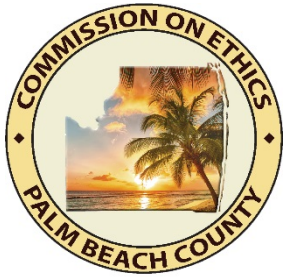
2021

ANNUAL REPORT



2021 ANNUAL REPORT





Honesty - Integrity - Character

Palm Beach County Commission on Ethics

Commissioners

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Carol E.A. DeGraffenreidt
Michael H. Kugler
Rodney G. Romano

Executive Director

Mark E. Bannon

December 31, 2021

Palm Beach County Commission on Ethics
300 N. Dixie Highway, Suite 450
West Palm Beach, FL 33401

Dear Commissioners,

It is an honor and a privilege to present the 2021 Annual Report of the Palm Beach County Commission on Ethics (COE). Calendar year 2021 marked the eleventh year of operation for the COE. We are very proud to be entering our twelfth year of operation.

Commission Chair Peter L. Cruise and Vice Chair Michael S. Kridel continued their leadership role for the COE in 2021. Joining them in furtherance of COE goals and objectives during 2021 were Commissioners Rodney G. Romano, Michael H. Kugler and Carol E.A. DeGraffenreidt. We are once again extremely lucky to have such qualified individuals appointed to the COE, and appreciate the time and effort of each in the furtherance of our mission.

One of the most important pieces of business conducted by the COE this year was the significant changes made to the Palm Beach County Code of Ethics, the Commission on Ethics Ordinance, and the Lobbyist Registration Ordinance. We believe that these changes will make the ordinances more understandable and “user friendly,” while continuing to guide county and municipal officials and employees to uphold the highest ethical standards in service to their communities. The changes to the ordinances were reviewed and approved by the COE, the League of Cities, County Administration, and many other stakeholders in Palm Beach County. The Palm Beach County Board of County Commissioners approved these changes unanimously in 2021. We greatly appreciate the amazing input from all who participated in this venture, and all the work from everyone involved.

The COE’s mission to “foster integrity in public service, to promote the public’s trust and confidence in that service, and to prevent conflicts between private interests and public duties” remains of paramount importance to those who live, work, or even visit Palm Beach County, and the COE continues to complete our mission as an independent watchdog agency tasked with ensuring that these high ethical standards are maintained. We do so by acting to review, interpret, render advisory opinions, and enforce the Palm Beach County Code of Ethics and the other local ethics laws over which we have jurisdiction.

COE staff is responsible for conducting ongoing ethics training for municipal and county elected officials, advisory board members, and employees, as well as making limited training available for municipal and county vendors, lobbyists, and their principals and employers. As we have in the past, COE staff completed in-person and on-site ethics training sessions and outreach programs for our various stakeholders during 2021. As with 2020, due to the continuing COVID-19 pandemic, much of our work was done from offsite, but through the use of available technology we were, and continue to be able to maintain the high standards we have always required of COE staff in all areas of our work.

We would like to welcome Palm Beach County's newest municipality, the Town of Westlake, who chose to come under COE jurisdiction in 2021. The Town Council voted to voluntarily adopt the Palm Beach County Code of Ethics and the Lobbyist Registration Ordinance earlier this year.

Our social media presence on Facebook (www.facebook.com/pbccoe) and Twitter (@pbccoe) continues, and we will continue to work to increase our social media outreach in 2022. In addition to providing revised web-based training modules for public officials, employees, vendors, and lobbyists, we will continue to maintain and improve our public database for annual and quarterly gift reports, voting conflict of interest disclosures, and outside employment waivers.

We also continue to maintain links to Palm Beach County maintained databases, including lists of active registered vendors, registered lobbyists and their principals, as well as annual lobbyist expenditure reports. Additionally, all sworn complaints, related documents, and hearings are posted to our website once the cases become public record. Lastly, our website remains fully searchable, including all processed complaints and advisory opinions with the enhancements mentioned previously. As we have always done, we will continue to enhance and upgrade the site throughout 2022, as needed.

Fiscally, Palm Beach County budgeted \$739,876.00 for the COE during fiscal year 2021. Staff continues to maintain careful stewardship of staff, operations, and procurement costs, expending \$731,059.34 of the allotted funding, returning \$8,816.66 to the County General Fund. This makes the eleventh consecutive year the COE has completed its work within the allocated budget with no overages. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget.

With the close of calendar year 2021, it remains clear that the operations, output, and missions of the COE are sound. While I will be ending my eleven year tenure with the COE, I remain confident that under the leadership of our newly appointed Executive Director, Christie Kelley, COE staff will continue the excellent work into 2022 with our commissioners, public officials, public employees, and other community stakeholders to make improvements to their level of service.

On behalf of COE staff, and 2022 Executive Director appointee Kelley, I would like to thank each of you for your support as we promote Palm Beach County's high standard of public service together and continue our overall mission of increasing public trust in local government.

Sincerely,



Mark E. Bannon,
Executive Director

MEB/gal

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MISSION STATEMENT

The mission of the Palm Beach County Commission on Ethics (COE) is to foster integrity in public service, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties.

The COE accomplishes this mission by conducting ongoing educational programs, community outreach, providing clear and timely advice, and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws. In doing so, the commission is guided by principles of fairness, clarity, and common sense. We encourage you to spend time learning about our efforts by visiting our website at www.palmbeachcountyethics.com and to contact our office with any questions or comments.

HISTORY

Now in its twelfth year, the COE is an independent organization that administers and enforces the Palm Beach County Code of Ethics, Lobbyist Registration Ordinance and Post Employment Ordinance. In 2010, a grand jury convened to monitor the progress of the new ethics measures and recommended a county-wide referendum be placed on the November 2010 ballot. Voters overwhelmingly supported that measure to place the Commission on Ethics provisions into the county charter, expanding the jurisdiction of the COE to all local municipal governments. In addition, 36 of the 39 municipalities in the county have adopted the Lobbyist Registration Ordinance. While there have been some changes made to the ethics ordinances over the years, in 2021, the COE recommended a number of changes to the Code of Ethics, Commission on Ethics Ordinance, and Lobbyist Registration Ordinance. These changes were accepted and passed unanimously by the Palm Beach County Board of County Commissioners.

In 2021, the COE also had the opportunity to welcome the town of Westlake into its jurisdiction when the Town Council voted unanimously to come under the COE's jurisdiction. The town of Westlake became Palm Beach County's 39th municipality in 2016.

The Code of Ethics is designed to help ensure that public officials and employees perform their public responsibilities impartially, do not use their public positions for private gain, and to foster public confidence in the integrity of local government. The Lobbyist Registration Ordinance was enacted to regulate certain lobbying activity and enhance lobbying transparency by establishing a central lobbyist registry and expenditure reporting system. While the COE has statutory license to punish offenders, staff's main goal is to educate public employees, public officials, vendors, and lobbyists on how the rules affect governance and implementation of policy throughout the county. Staff stands ready to inform citizen groups and county and municipal governments alike about the services and benefits of the COE and its Code of Ethics initiatives.

Palm Beach County has over 6,000 full and part-time employees and approximately 1,000 volunteer officials staffing 95 committees and boards. The 39 municipalities within Palm Beach County over which the COE has jurisdiction have over 9,000 full and part-time employees, 258 municipal boards and committees with more than 1,800 volunteer advisory board members and 203 elected officials. The COE also has limited jurisdiction over all county and municipal vendors and lobbyists and principals or employers of lobbyists who lobby the county or the municipalities.

AN INDEPENDENT ETHICS INSTITUTION

The COE oversees, administers, and enforces local governmental ethics laws; receives and investigates complaints; provides formal advice to persons who fall within the jurisdiction of the commission; conducts training sessions for the community, municipal and county employees, lobbyists and vendors; and proposes governmental ethics law reform. Governmental ethics laws include the Code of Ethics, the Lobbyist Registration Ordinance, and the Post Employment Ordinance. The COE accepts complaints regarding alleged violations of these laws and protects individuals from retaliation for reporting violations. The COE's specific statutory authority is derived from Palm Beach County Code §2-254. This ordinance grants the COE the power to review, interpret, enforce, and render opinions regarding the above-mentioned County ordinances.

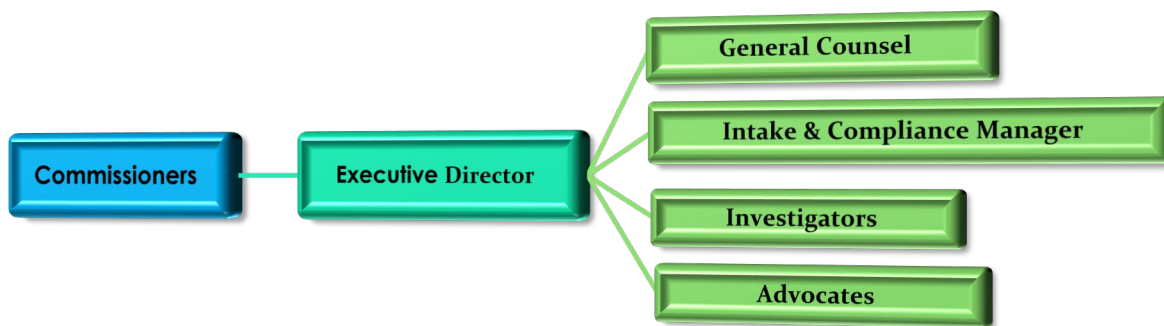
Persons who fall within the jurisdiction of the COE include:

- County and municipal elected officials, staff, and contract employees
- County and municipal advisory board members and other non-elected officials

- Vendors and lobbyists and their principals or employers
- Other local governmental entities subject to jurisdiction pursuant to contract or Memoranda of Understanding

The key to the COE's is independence, and, by definition, the commission is an independent office. The Palm Beach County Board of County Commissioners (BCC) Organizational Structure chart reflects this independence by designating the Executive Director as an "Independent Official." COE commissioners cannot be removed or otherwise influenced by the BCC and are appointed by various non-political civic, educational, and professional organizations. The position of a COE commissioner is non-partisan and non-political. COE commissioners may not participate in, or contribute to a candidate for state or local office or allow their name to be used in support of or against a candidate or ballot issue. COE commissioners may not participate in or contribute to political action committees, campaign for office or referenda, and may not hold office in a political party or committee.

COMMISSION ON ETHICS ORGANIZATIONAL CHART



ABOUT THE COMMISSION

The COE is composed of five volunteer commissioners who serve staggered terms of four years each. Each COE commissioner must have an outstanding reputation for integrity, responsibility, and commitment to serving the community. Moreover, as representatives of Palm Beach County, appointments are made with an eye towards the racial, gender, and ethnic make-up of the community.

COE commissioners are appointed by the following individuals or institutions:

- **President of Florida Atlantic University (FAU)** - one appointment with the following qualifications: A faculty member who teaches at an institution of higher education with a campus located in Palm Beach County and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. **(Chair, Commissioner Peter L. Cruise)**
- **President of the Palm Beach Chapter of the Florida Institute of Certified Public Accountants (CPA)** – one appointment with the following qualifications: A member with at least five (5) years of experience as a CPA with forensic audit experience. **(Vice Chair, Commissioner Michael S. Kridel)**
- **Palm Beach County League of Cities** - one appointment with the following qualifications: A former elected official for a governmental entity within Palm Beach County. **(Commissioner Rodney G. Romano)**
- **President of the Palm Beach County Association of Chiefs of Police**- one appointment with the following qualifications: A former law enforcement official with experience in investigating white-collar crime or public corruption. **(Commissioner Carol E. A. DeGraffenreidt)**
- **President of the F. Malcolm Cunningham, Sr. Bar Association, the President of the Hispanic Bar Association of Palm Beach County and the President of the Palm Beach County Bar Association** – one shared appointment with the following qualifications: An attorney with experience in ethics regulation of public officials and employees. **(Commissioner Michael H. Kugler)**

COMMISSIONERS

PETER L. CRUISE, PH.D., CHAIR

Peter Cruise is Executive Director of the LeRoy Collins Public Ethics Academy and Affiliate Associate Professor at Florida Atlantic University. Since graduating with his Ph.D. in Public Administration from FAU in 1995, Dr. Cruise taught ethics and organizational behavior in universities such as California State University-Chico, Golden Gate University, Louisiana State University and Mary Baldwin University. Before beginning his academic life, his professional career started in West Palm Beach in the early 1980s, working at St. Mary's Hospital, and the Palm Beach Blood Bank, and later at Martin Memorial Hospital in Stuart. In addition to many published articles, he is the co-editor of the Handbook of Organization Theory and Management: The Philosophical Approach (2nd Edition, 2006). In April 2015, Dr. Cruise was selected as a Distinguished Alumnus by the faculty of the College of Design and Social Inquiry at Florida Atlantic University.



MICHAEL S. KRIDEL, CPA, CFF, CITP, CFC, VICE CHAIR

Michael Kridel is a Certified Public Accountant and Shareholder in Michael S. Kridel, C.P.A., P.A., in Delray Beach. Mr. Kridel has practiced public accounting in South Florida since graduation from The George Washington University. Prior to reestablishing his named practice in 2018, he was a Partner in Daszkal Bolton for 17 years and a Principal in Rehmann Robson for nearly 5 years. Mr. Kridel has provided accounting, tax and litigation services in a broad range of matters including family law, stockholder actions, financial damages, fraud detection, criminal and civil tax matters, wrongful discharge and professional malpractice defense.



Mr. Kridel is a frequent speaker and author, garnering numerous awards, at national and local conferences for accountants and attorneys on topics such as litigation services, professional ethics, eDiscovery, practice management, information technology and human resources. He is a certified ethics instructor for CPAs in Florida, an online instructor in forensic accounting courses for the University of North Carolina at Charlotte, and a guest instructor at Florida Atlantic University and other institutions. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today. Mr. Kridel has been a Rotarian since 1986 and is a board member of multiple not-for-profit organizations. For over 25 years, Mr. Kridel has facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools.

RODNEY G. ROMANO, ESQ.

Rodney Romano is a Florida Licensed Attorney and Supreme Court Certified Circuit Civil Mediator. He founded Matrix Mediation in 2006 to bring a next level of excellence and consistency to the mediation profession. Mr. Romano has conducted more than 22,000 hours of circuit civil mediations and has been a member of the Florida Supreme Court appointed Mediator Qualifications and Disciplinary Review Board since 2009. He is a former Board Certified Civil Trial Attorney and served four terms as Mayor of the City of Lake Worth, Florida.



Mr. Romano earned his law degree from Nova Southeastern University and his Bachelor of Arts degree from Emory University. Prior to admission to the Florida Bar, Mr. Romano was a Florida Licensed Nursing Home Administrator and a Florida Certified General Contractor. He is a licensed (non-current) private pilot, a Nitrox-certified scuba diver, and a lifelong resident of Palm Beach County. Mr. Romano is married to Lynnette and has five children and four grandchildren.

MICHAEL H. KUGLER, ESQ.

Michael Kugler has dedicated his career to obtaining justice through our court system on behalf of all categories of victims. Mr. Kugler began his legal career at the Office of the State Attorney in Palm Beach County. With over 100 jury trials, Mr. Kugler prosecuted every crime from DUI to Capital Sexual Battery to the Death Penalty. As a vital member of the Special Victims Unit, Mr. Kugler prosecuted the most violent predators in our community and gave a voice to child victims of sexual abuse. Mr. Kugler is a member of the Sexual Assault Response Team (SART) for Palm Beach County which created and runs the county's first dedicated sexual assault examination site, which coordinates the medical, law enforcement, forensic, and legal response to sexual violence in the community. Mr. Kugler gained national media attention with his prosecution of a former WPTV Weatherman who sexually preyed on young and vulnerable teenagers.



Originally from California, Mr. Kugler came to South Florida on an academic scholarship to the University of Miami where he obtained his Bachelor of Business Administration. Before attending law school at Nova Southeastern University, Mr. Kugler was a licensed stock broker working for a boutique broker dealer in Boca Raton. While at Nova Southeastern University Law School, Mr. Kugler was a member of multiple mock trial teams, and the Vice President of the school's trial organization.

CAROL E. A. DEGRAFFENREIDT, ESQ.

Carol DeGraffenreidt is an experienced government attorney with extensive state and federal criminal and civil trial experience, serving as the lead attorney in over 100 criminal and civil trials. Ms. DeGraffenreidt began her career as an Assistant State Attorney for the 17th Judicial Circuit, where she was Broward County's first black female Assistant State Attorney. Ms. DeGraffenreidt next served as an Assistant United States Attorney for the Southern District of Florida in both the civil and criminal divisions. Ms. DeGraffenreidt represented the United States in matters involving criminal and civil asset forfeiture, land condemnation, environmental law, personal injury, medical malpractice, employment discrimination, civil health care fraud, procurement fraud, money laundering, firearms, and mail and wire fraud. Ms. DeGraffenreidt was also cross-designated as an Assistant State Attorney for the 11th Judicial Circuit to assist in the prosecution of tourist car-jacking cases.



Ms. DeGraffenreidt is currently a Senior Assistant Attorney General assigned to the Consumer Protection Division of the Florida Attorney General's Office. Ms. DeGraffenreidt handles complex consumer protection matters involving false and deceptive business practices regarding advertising, telemarketing, timeshare sales, mortgage foreclosure loan assistance, debt relief and consolidation, improper debt collection practices, bankruptcy, moving services, and price gouging matters.

Ms. DeGraffenreidt is a Florida native and a graduate of Spelman College and University of Maryland School of Law.

COMMISSION STAFF

MARK E. BANNON, EXECUTIVE DIRECTOR

Mark Bannon became the third executive director of the COE in December 2015, having been a COE staff member since 2010. Prior to becoming executive director, he served the COE as an investigator, senior investigator, interim staff counsel, and interim executive director.



Mr. Bannon is a former Assistant State Attorney, where he prosecuted criminal cases in the Fifteenth Judicial Circuit in and for Palm Beach County. A United States Army veteran, Mr. Bannon spent nearly 25 years serving as a deputy sheriff, supervisor and commander with the Palm Beach County Sheriff's Office working in patrol and on investigative and community support assignments before retiring from policing in 2005.

Mr. Bannon has a bachelor's degree in social psychology from Florida Atlantic University and a master's degree in public administration from Nova Southeastern University. He graduated from the University of Miami School of Law and was admitted to the Florida Bar in 2005.

Mr. Bannon authored a book entitled, *A Quick Reference Guide to Contemporary Criminal Procedure for Law Enforcement Officers*, which was published in 2003. He has taught criminal justice courses to graduate and undergraduate students at both Palm Beach State College and South University. He brings a unique blend of law enforcement and legal education and experience to the role of executive director of the Commission on Ethics.

GINA A. LEVESQUE, INTAKE AND COMPLIANCE MANAGER

Gina Levesque has been employed with the COE since its inception in 2010. She began as an administrative assistant and is currently the Intake and Compliance Manager. In addition to her role with the commission, Ms. Levesque is part of the Florida Region 7 All Hazards Incident Management Team.



Ms. Levesque attended Southern Illinois University at Edwardsville on a softball scholarship and still holds several team records. She graduated with a bachelor's degree in education in 1988 and taught K-12 in Missouri and Illinois.

A former certified law enforcement officer and corrections officer, Ms. Levesque worked for the Broward County Sheriff's Office and the Lauderhill Police Department. In addition to her law enforcement experience, she served as a legal assistant in the Office of the State Attorney, Fifteenth Judicial Circuit in and for Palm Beach County from 1999-2010.

CHRISTIE E. KELLEY, GENERAL COUNSEL

Christie Kelley began her legal career as an assistant state attorney in Florida's Fifth Judicial Circuit in Marion County. She later served as assistant director in the Center for Career Development at the University of Florida Levin College of Law where she advised students interested in government or public interest careers and oversaw the pro bono, public interest, and community service programs.



Ms. Kelley is a member of the Florida Bar and graduated summa cum laude from the University of Florida with a bachelor's degree in business administration. She also earned her law degree from the University of Florida Levin College of Law, graduating cum laude.

ABIGAIL IRIZARRY, INVESTIGATOR

Abigail Irizarry began her public service career with the Better Business Bureau and quickly moved to the Florida Department of Children and Families (DCF). Initially, Ms. Irizarry was the lead investigator for court cases in Lee County, Florida, specializing in human trafficking cases. In 2013, she was promoted to the Office of Inspector General (OIG) for DCF. In 2015, she became a certified inspector general investigator and was named the OIG Investigative Star of the Year, the first female investigator to receive the statewide award.



Ms. Irizarry graduated from Florida State University with a bachelor's degree in criminology. In addition to her status as a certified inspector general investigator, she is also a Certified Fraud Examiner, as awarded by the Association of Certified Fraud Examiners.

MARK A. HIGGS, INVESTIGATOR

Mr. Higgs is a U.S. Air Force veteran who spent nearly 30 years in law enforcement with the Chicago Police Department as a patrol officer and sergeant. He received specialized training through the Department of Homeland Security, the Bureau of Justice Assistance, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation.



Based on his extensive background in intelligence writing and analysis, Mr. Higgs became the supervisor of the Counter Terrorism Section and served as a Senior Watch Officer in the Crime Prevention and Information Center for the Chicago Police Department. He later became a supervisor in the department's Intelligence Section of the Organized Crime Division, and served on the Joint Terrorism Task Force for the Federal Bureau of Investigation. Mr. Higgs finished his law enforcement career as an investigator and case management supervisor in Internal Affairs for the Chicago Police Department.

Mr. Higgs earned a bachelor's degree in law enforcement management and a master's degree in public safety administration from Calumet College of St. Joseph (Whiting, Indiana). Mr. Higgs is also a Certified Fraud Examiner, as awarded by the Association of Certified Fraud Examiners.

EDUCATION

One of the COE's critical responsibilities is to teach and empower county and municipal employees, officials, local government vendors, persons seeking government contracts, lobbyists, and the public with knowledge of the ethical standards expected by the Code of Ethics and related ordinances. Staff also keeps the commissioners educated as to their particular duties and responsibilities under the Ordinances.

COMMISSIONER TRAINING

Upon appointment, COE commissioners receive six hours of training, which include a comprehensive review of all ordinances, rules and procedures, investigative overview, advisory opinions, quasi-judicial functions, best practices during hearings, and the Sunshine Law. Staff is also available to answer questions and provide resource materials.

EMPLOYEE AND OFFICIAL TRAINING

The COE and its staff seek to be proactive at all times in its outreach efforts and its relationship with the community in order to increase citizen understanding and participation in government accountability efforts. Ethics training is required for all county and municipal elected officials, employees, contract employees, volunteer officials, members of code enforcement boards (including the COE), and advisory board members. Each municipality and agency under the COE's jurisdiction determines the timeframe and method of training.

In 2021, due to the continued Covid-19 restrictions, staff conducted only 11 in-person, on-site trainings to county and municipal employees, officials, and advisory board members. Training was also offered on DVD, through internet streaming from the COE's website, and on YouTube.

WEB-BASED TRAINING

In addition to the employee and official training programs provided by COE staff, the COE website has links to sunshine law materials, an interactive online quiz, and miscellaneous training videos, including a video navigating the lobbyist registry database and the Palm Beach County vendor database to help employees and officials identify whether someone is a vendor, lobbyist, or principal or employer of a lobbyist.

TRAINING COMPLIANCE REVIEWS

Staff continues to work with the county and the municipalities to assist administrators with their training schedule policies for all public officials and employees.

OTHER OUTREACH EFFORTS AND SOCIAL MEDIA

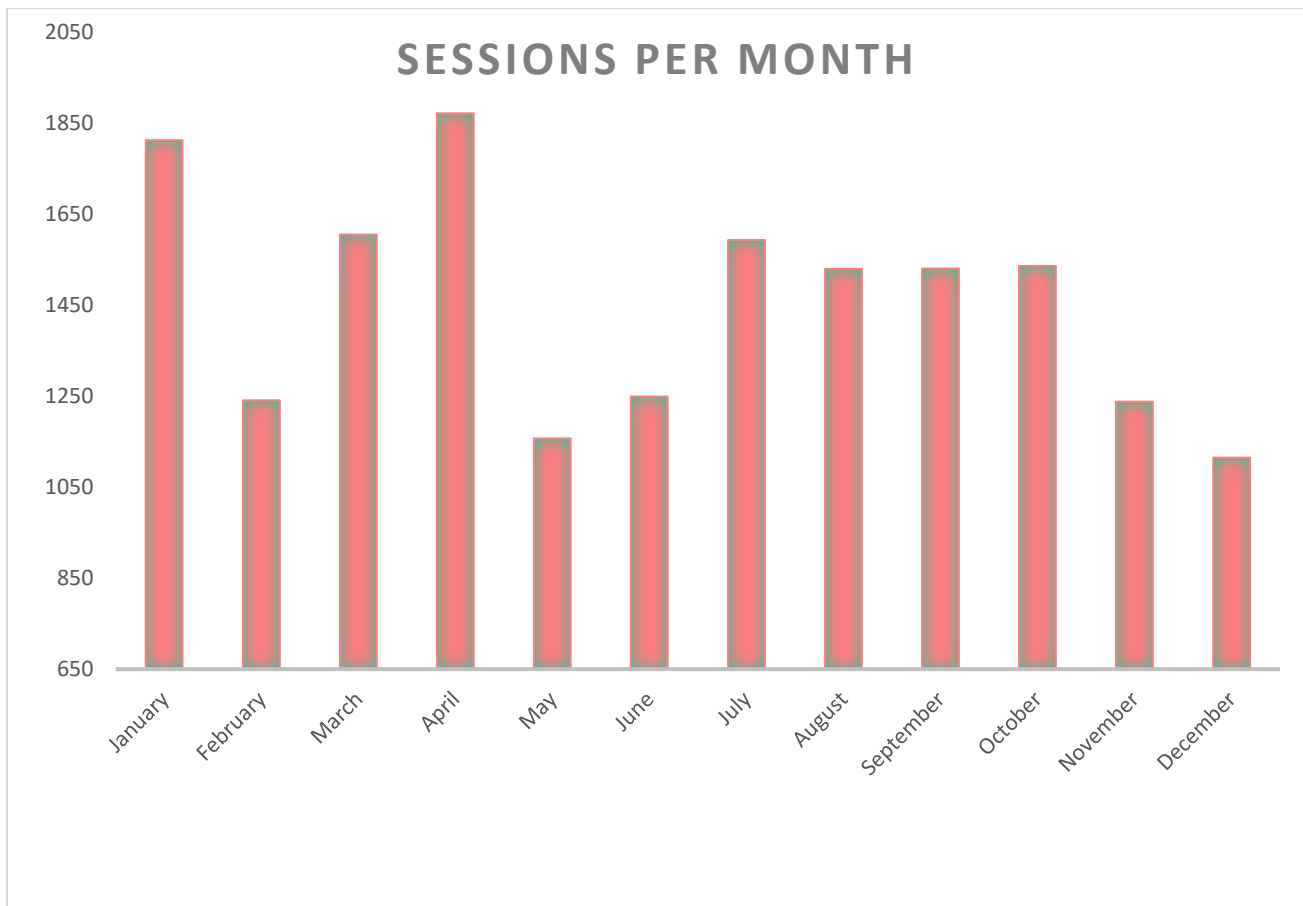
COE staff issues newsletter, which are posted online and sent to the county and the municipalities for distribution to employees and officials. The newsletters contain various topics of interest and current information about recent advisory opinion and complaints.

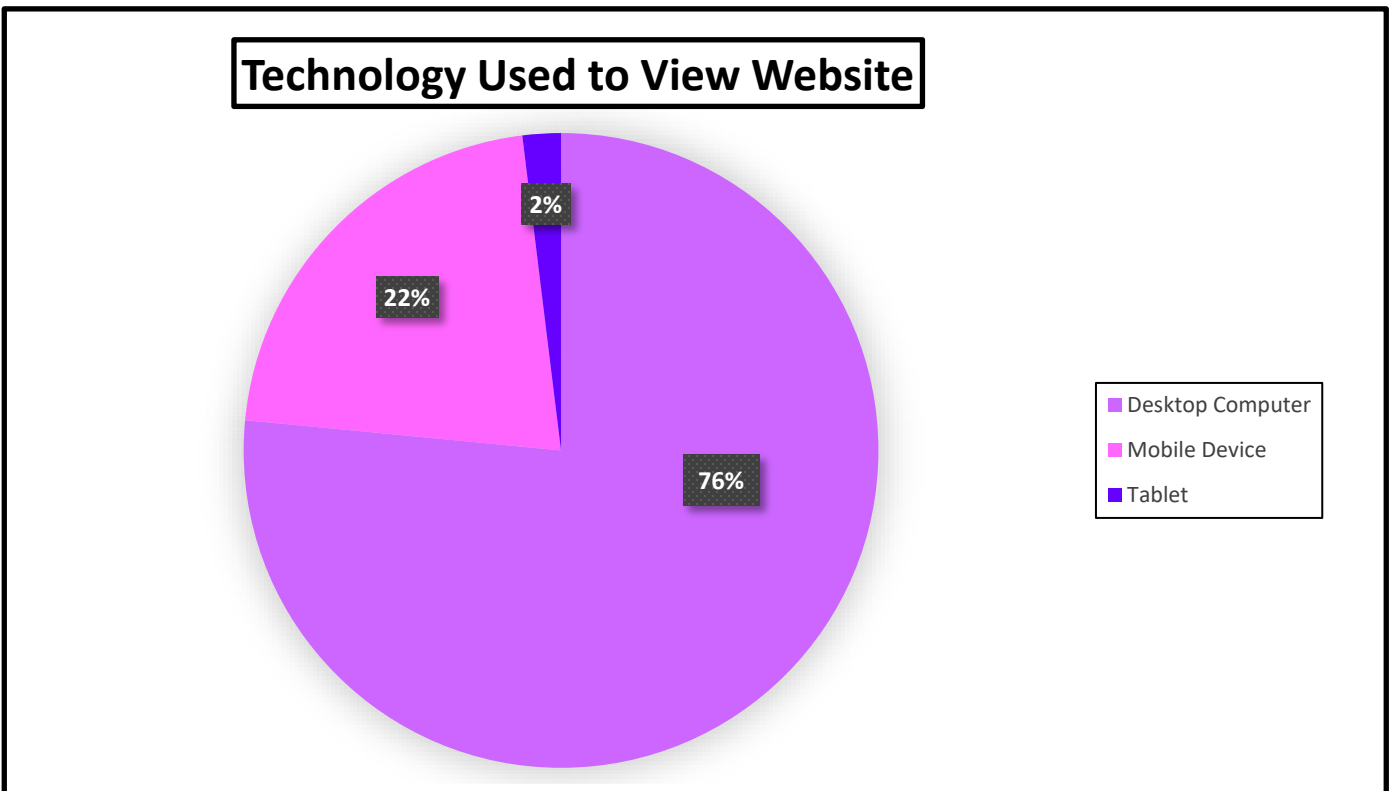
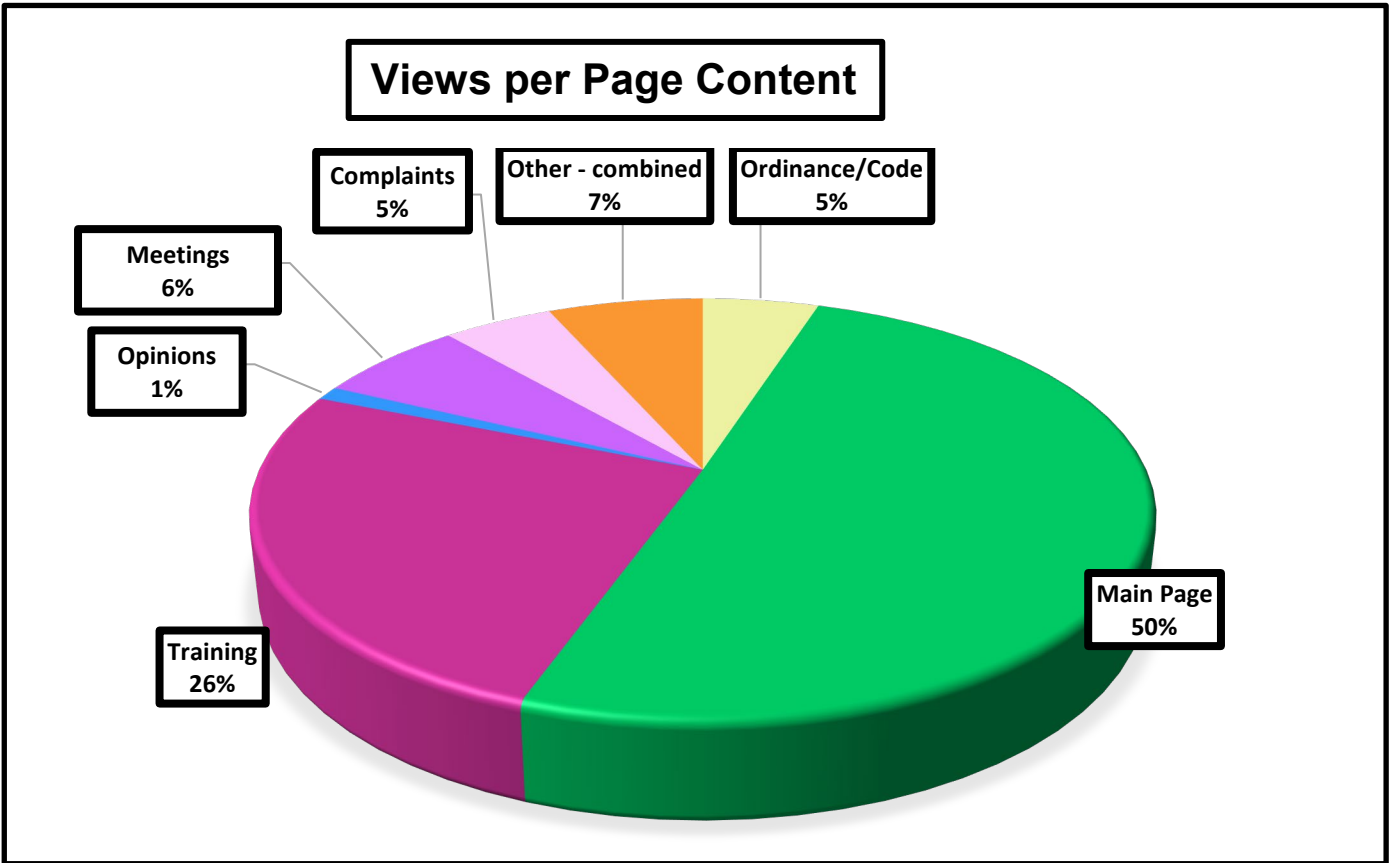
With pages on Facebook and Twitter, the public can access the COE through familiar media sites. In this way, the public can stay up-to-date with recent COE decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the commission on Twitter at @PBCCOE or visit us on Facebook at www.facebook.com/PBCCOE.

WEBSITE

The COE website continues to employ a user-friendly format with improved capabilities and graphics, including a Most Requested Links tab. The site continues to enhance transparency, outreach efforts, and provide public access to all relevant forms, documents, databases, advisory opinions, and investigations. An e-book, designed to provide an interactive guide to the functions of the commission is prominently placed on the main page. The website format is compatible with wireless technology, tablets, and mobile devices.

In 2021, the commission website had approximately 35,560 page views, compared to 26,100 page views in 2020.





The top viewers of the commission website were from Florida, California, Kansas, Virginia, Texas, New York, Washington, Wyoming, and Iowa. In Florida, the website was most viewed by users in the municipalities of West Palm Beach, Miami, Greenacres, Orlando, Boca Raton, Palm Beach Gardens, Wellington, Delray Beach, Jupiter, and Boynton Beach.

MULTIMEDIA

Videos of all COE meetings are available on the Meetings page of the COE website.




Meeting Schedule, Agenda & Attachments, Minutes and Meeting Videos

2021 ▶ Click to compress/expand ◀					
Date	Time	Location	Agenda & Attachments	Minutes	Video
1/7/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
1/19/21	9:00 a.m.	Gov Ctr-6th floor BCC Chambers	C19-006 Final Hearing	Minutes	Meeting Video
1/29/21	8:30 a.m.	Gov Ctr-6th floor BCC Chambers	C18-008 Final Hearing	Minutes	Meeting Video
2/4/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
2/25/21	10:00 a.m.	Gov Ctr-12th floor McEaddy Conf COE Committee Reviv Mtg.	Agenda & Attachments	Minutes	Meeting Video
3/4/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
4/1/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
5/6/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
5/20/21	11:30 a.m.	Virtual via WebEx	Notice of Hearin & Motions	Minutes	Meeting Video
6/3/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
7/8/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
8/5/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
9/2/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
10/7/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Video A / Video B
11/4/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
12/2/21	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video

ADVISORY OPINIONS

Advisory opinions are searchable by year, subject matter, and text search. All of the existing advisory opinions include a brief synopsis of the issue and the commission's decision for each opinion. The commission actively searches for ways to make the database as user friendly as possible.



Palm Beach County Commission on Ethics

Article V. Division 8. Sec. 2-260.9 of the Palm Beach Commission on Ethics Ordinance provides that employees, officials, lobbyists and vendors within the jurisdiction of the commission, when in doubt about the applicability or interpretation of the ethics codes and ordinances to himself or herself in a particular instance, may submit the facts of the situation to the COE with a request for an advisory opinion to advise them of the standard of duty, if any, that applies to their situation. All opinions will be posted to this website following each meeting.

Advisory Opinion Search

Opinion Number:

Subject/Topic: <- Select from here -->

- <- Select from here -->
- ADVISORY BOARD WAIVER
- CHARITABLE SOLICITATION/FUNDRAISING
- CONE OF SILENCE
- CONFLICT OF INTEREST
- CONTRACTUAL RELATIONSHIPS
- EMPLOYEE DISCOUNT
- GIFT LAW
- JURISDICTION OF THE COE
- LOBBYIST REGISTRATION ORDINANCE
- MISUSE OF OFFICE OR EMPLOYMENT
- NEPOTISM
- OUTSIDE EMPLOYMENT
- PENSION PLAN - EMPLOYEES/OFFICIALS
- POLITICAL FUNDRAISING/CONTRIBUTIONS
- POST-EMPLOYMENT ORDINANCE
- TRAVEL EXPENSES
- VOTING CONFLICT
- WITHDRAWN

Opinion Year: 2021

Text Search: <-Select->

[Home](#) | [Application Menu](#) | [Help](#)

COMPLAINTS

Once they become public record, all investigative materials, reports, and audio files of sworn complaints are available for review under the Databases tab on the left side of the main page of the COE website.



Palm Beach County Commission on Ethics

Complaint Database Search

Complaint Year: Respondent Name:

Complaint Number:

[Ethics Home](#) | [Application Menu](#) | [Help](#)

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Note: The Complaint Number dropdown menu is open, showing years from 2010 to 2022.

SEARCHABLE DATABASES

The COE’s website currently maintains gift reporting, outside employment, and voting conflicts databases. This feature allows the public to view employee and official filings with the commission.



Palm Beach County Commission on Ethics

Political Subdivision: Department/Unit: Year:

Employee Last Name: First Name: Middle:

Private Employer Name:

TRAINING

COE staff allows municipal and county employees and officials to complete their training in-person, on a DVD, or via streaming video on a mobile device or on a computer. This training is also available to members of the public through the COE website as well.

Under the Training & Education tab on the COE's website, there is a full text copy of the Code of Ethics and plain language guides for public employees and advisory board members. These trainings and guides are available to officials, employees, and members of the public who are interested in learning more about the Code of Ethics and its real world application. Ongoing training is mandatory for all public officials and employees, and most jurisdictions require ethics training every one, two, or three years.



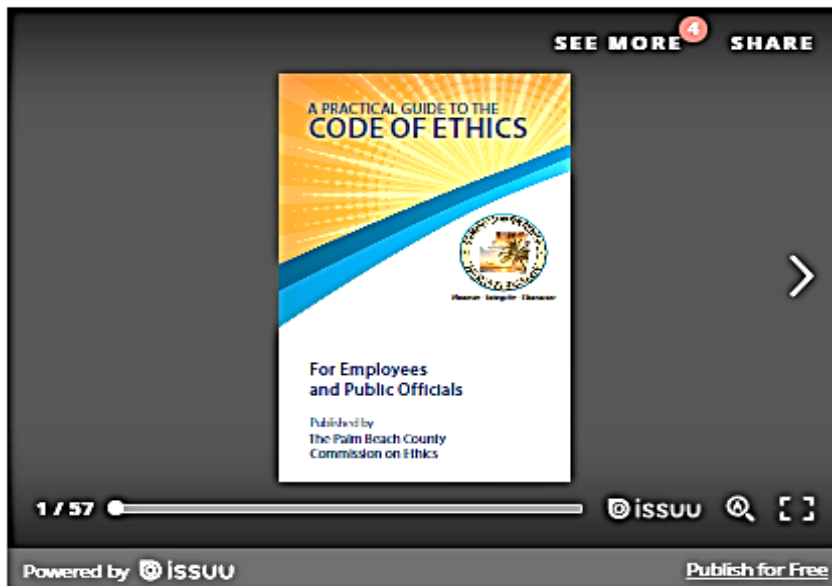
Training Video

- [Code of Ethics Training Video*](#) (Updated 12-29-2016)
- [Printable version of Power Point Presentation](#)

* If you are having trouble streaming the video through the above link, please try the YouTube link below.

- [Code of Ethics Training Video \(YouTube\)](#)

A Practical Guide to the Code of Ethics (2016 Publication) (flip book)



OTHER INFORMATION

Serving as a gateway to information on ethics both locally and nationwide, the COE's website provides users with access and links to the State Attorney's Office, Palm Beach County Inspector General, and advisory opinion and county vendor databases. The COE's website also provides a link to the lobbyist registration database utilized by the county and 36 of the 39 municipalities within the county. Employees, officials, and the public will always be able to access up-to-date information on the Code of Ethics, applicable forms, and other resources on our site, including frequently asked questions.

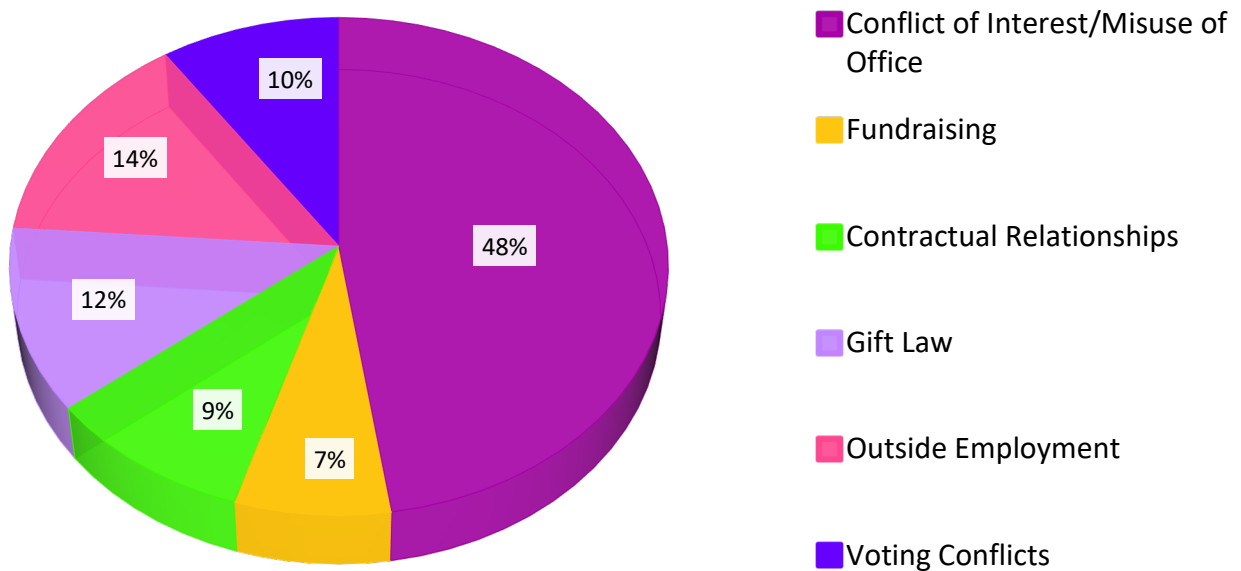
ADVISORY OPINIONS: ASK FIRST, ACT LATER

In 2021, the COE issued 20 advisory opinions regarding voting conflicts, conflicts of interest, and gift law questions as the most common subject matters. The average turn-around time from the request of an advisory opinion to the completion of a proposal advisory opinion by staff was 11 days. Staff submitted the completed proposed advisory opinions for final approval at the COE's next regularly scheduled monthly meeting.

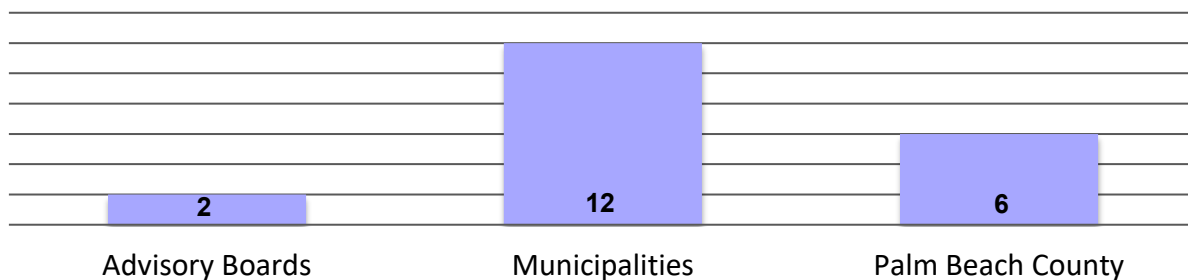
Advisory opinions assist employees, officials and advisory board members and any other persons or entities subject to the Code of Ethics, Lobbyist Registration Ordinance, or Post-Employment Ordinance to understand their obligations. When in doubt about the applicability or interpretation of the Code of Ethics, employees, officials, and advisory board members may submit the facts of their particular situation to the COE in writing to request an advisory opinion. Each opinion is based upon the facts and circumstances submitted with the request.

If you have a question, please ask commission staff to prepare an advisory opinion. As long as the facts submitted are complete and accurate, the requesting party may rely on the COE's response. All of the advisory opinions are available in PDF format through the website in the advisory opinion database. The link for the database is in the menu on the left side of the website titled "[Published Advisory Opinions](#)".

ADVISORY OPINIONS BY SUBJECT MATTER



ADVISORY OPINIONS BY ENTITY



SUMMARIES OF NOTABLE 2021 ADVISORY OPINIONS

The Code of Ethics is published in a 12-page document that does not account for every possible scenario or situation but provides overall guidance to employees, officials, government vendors, lobbyists, and their principals. Accordingly, the commission must interpret the words of the Code and offer common sense advice to those subject to its jurisdiction.

The following summaries are based upon actual advice given in the form of advisory opinions issued by the commission during 2021. They are included here for educational purposes only. These summaries are not intended as legal advice.¹ Each opinion is based upon the facts and circumstances submitted with the request. Staff routinely refers local officials, employees, vendors, lobbyists, members of the public, and the media to referrals to prior opinions when the issues involve settled general interpretation of the Code of Ethics. In 2021, staff managed 32 advisory opinion requests by referring the requesting party to prior opinions.

VOTING CONFLICTS

Section 2-443(c), voting conflicts, addresses the scenario where, by participating or voting on an issue, an elected official would violate the misuse of office section of the code by giving a special benefit to one of the prohibited persons or entities listed under §2-443(a). In such a scenario, officials, and advisory board members must 1) disclose the nature of his or her conflict before their board discusses the issue; 2) abstain from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (8B), submitting a copy to the recording clerk and to the COE.

Question: Does the Code of Ethics prohibit an advisory board member from discussing a Capital Improvement Project (CIP) that was requested by the homeowner's association (HOA) on which he serves as a board member when the improvements requested would only impact roads used by the HOA members?

RQO 21-008

Answer: The PZB member would be prohibited from discussing the CIP that involves the roadway and the street lighting within his HOA because it would give a special financial benefit only to the community within which the PZB member lives. Even though the PZB is not taking a formal vote on which projects will be sent to the city commission, it is creating a list of the CIPs that the PZB recommends the city commission select. Thus, any discussion by him on the project requested by the HOA would be considered using his official position to influence others to recommend the project to the city commission for selection. If each potential project brought before the PZB is discussed individually, the board member may enter into discussions about the merits of the other projects but may not do so when the HOA project is under discussion. Further, he may not join in any discussions surrounding whether his HOA's project should be placed on the list to be forwarded to the city commission.

¹ To the extent that these summaries differ from the language of the original advisory opinion or ordinance, the language in the ordinance and opinion controls.

GIFTS

The Code of Ethics prohibits employees, officials and advisory board members from accepting anything of value in exchange for the past, present, or future performance of their job. This includes thank you gifts or tips for an official public action or legal duty performed, withheld, or violated. Employees and officials are prohibited from soliciting gifts of any value from someone they know to be a vendor, lobbyist, or principal of a lobbyist who sells, leases or lobbies their governmental entity for their personal financial benefit, the benefit of a relative or household member, or another employee. Over the course of the calendar year, employees and officials may not solicit or accept gifts worth more than \$100 in the aggregate from a person they know or reasonably should know to be a vendor or lobbyist of their public employer. Gifts in excess of \$100 that are not prohibited are reportable unless one of several exceptions applies.

Question: Does the Code of Ethics prohibit employees of the Delray Beach Police Department from accepting gift cards to provide to drivers as part of a traffic selective enforcement program from a national auto parts corporation is not a vendor of the city of Delray Beach and is not a lobbyist or employer of a lobbyist who lobbies the city? **RQO 21-001**

Answer: Gifts solicited or accepted by officials or employees on behalf of their public employer for use solely by the municipality for a public purpose are not considered gifts under the Code of Ethics. Whether the gift cards to drivers to help facilitate the needed repairs meets the definition of a public purpose must be determined by City administration or by the City Commission. As long as it is determined that the gift cards from the national auto parts corporation would be for a public purpose, then the donation of the gift cards would not be considered a gift to employees who receive them and later pass them on to drivers in need of specific vehicle repairs.

Question: Does the Code of Ethics prohibit a county employee from accepting a donation for a non-profit organization of which he is an officer or director when that donation is from a county vendor? **RQO 21-016**

Answer: The Code of Ethics does not prohibit him from soliciting and accepting donations on behalf of the non-profit organization, but since he is an officer or director, any fundraising must be in his personal name only without any reference to his official title or connection to his official position as a county employee. Lending his name and official title as a county employee to the fundraising effort would per se constitute using his official position to provide a special financial benefit to that organization. This prohibition applies directly to him and to anyone indirectly soliciting on his behalf.

OUTSIDE EMPLOYMENT

The Code of Ethics defines an outside employer as any “entity, other than the county, the state, or any other federal, regional, local or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced.” The Code of Ethics defines an outside business as any “entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest.”

Question: Does the part-time outside employment waiver in Section 2-443(e)(5) of the Code of Ethics apply to a public employee who owns an IT consultancy business and what other provisions of the Code could be implicated by having an outside business? **RQO 21-012**

Answer: The Code of Ethics prohibits her from entering into any contracts with any entity where she would be providing services to the county or where the county would pay for her services through her contract with the entity. The Code’s prohibition on contractual relationships also applies to any ongoing contracts she entered into prior to her employment with Palm Beach County.

CONTRACTUAL RELATIONSHIPS

The contractual relationships provisions control contracts that a public employee or official may have in their private capacity, which could conflict with their public duties. Generally, the Code of Ethics prohibits an employee or official from entering into any contract or other transaction to provide goods or services to the public entity they serve. This includes any contract between a municipality or the county and an employee or official, the outside business or employer of an employee or official or any business an employee or an official may own (minimum 5 percent of the business’ assets). Several exceptions may apply.

Question: Does the Code of Ethics prohibit a county employee from seeing other county employees in her private capacity as a mental health therapist?
RQO 21-007

Answer: As long as she and her outside business do not enter into any contract or other transaction for goods or services with the county, other than where an exception applies, and she operates her private practice outside of her county work hours and does not use county resources, she is not prohibited from providing her services to county employees. She also has an ongoing responsibility to refrain from using her official position with the county to give a special financial benefit to herself or her outside business, including soliciting business during her county work hours or identifying herself as a county employee to attempt to obtain a customer.

COMPLAINTS

THE COMPLAINT PROCESS

Any person may file a complaint with the COE by submitting a written notarized complaint executed on an approved form available by mail or on our website. The complaint must allege a violation of the Code of Ethics, Lobbyist Registration Ordinance, or Post-Employment Ordinance by a person under the COE's jurisdiction. The allegations must be **based substantially upon personal knowledge of the person filing the complaint**, and the complaint must be **signed under oath or affirmation by the complaining person**. The COE maintains a searchable library of all of the reports and documents regarding of all sworn complaints once a probable cause determination has been made.

In addition, citizens can leave information and tips anonymously on the COE's hotline at 877-766-5920 or by email to ethics@palmbeachcountyethics.com. If you chose to remain anonymous, you must be sure to provide specific, detailed information that will allow investigators to determine the identity of persons who may have personal knowledge of the alleged violation, as well as any available documentary evidence of a violation, or where such documents may be located.

STATISTICAL SUMMARY

JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

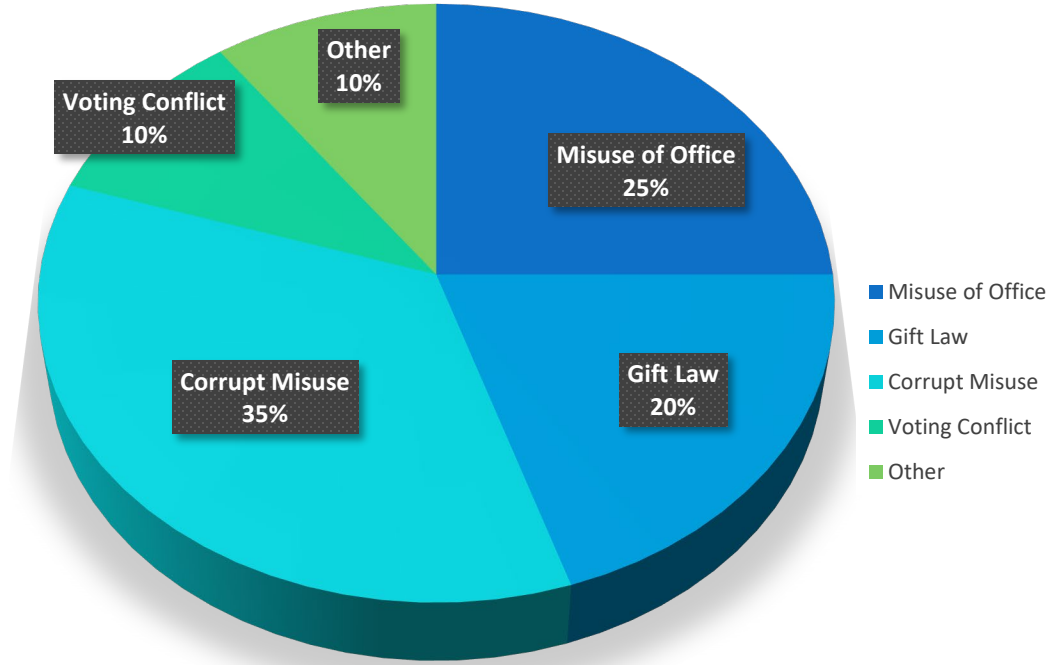
In 2021, there were nine filed complaints, consisting of two self-initiated complaints and seven sworn complaints from individuals. Of those complaints, two had a letters of instruction issued, one had a letter of reprimand issued and \$500 fine ordered, and six were dismissed by the COE.

The COE also heard four complaints that were initially filed in 2020. One complaint was closed with a letter of instruction and no probable cause finding, and the other three were dismissed with a finding of no probable cause. One self-initiated complaint from 2018 where the COE found probable cause is still pending and set for a final hearing before a hearing officer in 2021.

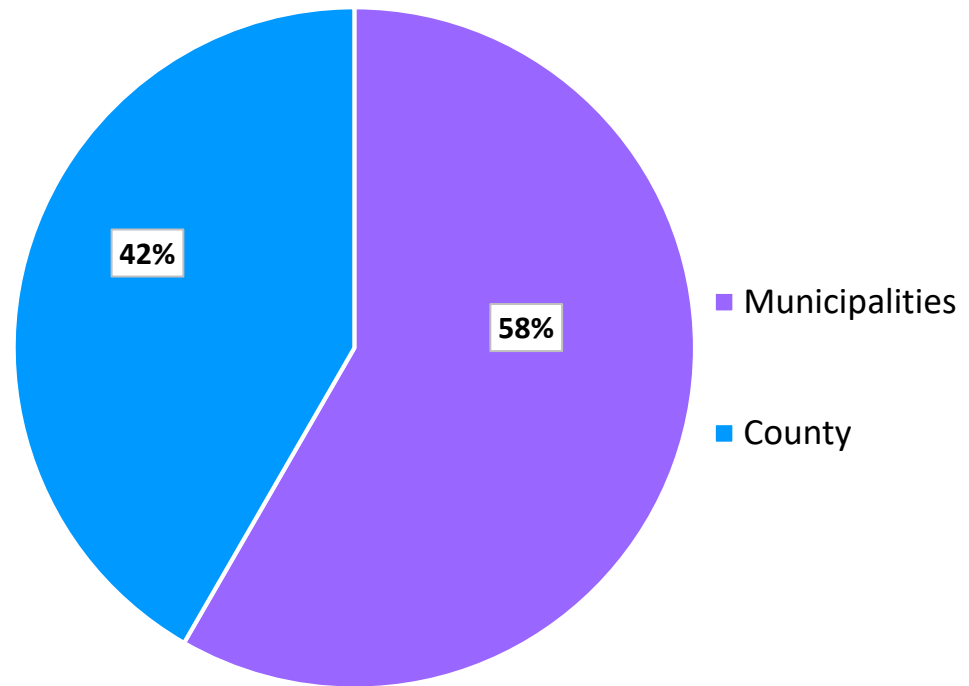
In addition, staff opened inquiries into five matters based upon information received other than by formal complaint. Of the inquiries opened in 2021, three were found not to be legally sufficient to file a formal complaint, and two are ongoing. Staff also closed five inquiries pending from 2020 due to no legal sufficiency to file a formal complaint.

In 2021, staff fielded approximately 720 calls requesting assistance from the COE, of which approximately 200 calls were referred to another agency and one call resulted in an inquiry. Staff responded to approximately 70 emails requesting assistance from the COE, of which approximately 30 were sent prior advisory opinions or sections of the Code of Ethics as assistance and one email resulted in an inquiry.

Complaint & Inquiry by Subject Matter



Complaints & Inquiries by Entity



COMPLAINT PROCESS DIAGRAM



FISCAL REPORT

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for COE operations. For fiscal year 2021, the budget came out of the county's general fund account.

By continuing our careful stewardship in regards to staff, operational, and procurement costs, the COE has come in under budget for the eleventh consecutive year. The commission's operating budget was \$739,876.00 for fiscal year 2021. The COE expended \$731,059.34 of those funds. The COE also collected \$250.00 in fines. Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget at www.pbcgov.org/ofmb.

2022 PROJECTS

Anticipated		Description	Expected Results
Start	Finish		
1 st Quarter	4th Quarter	Create five-minute video clips on the most frequently asked questions about sections of the Code	Deliver the most effective training
1 st Quarter	4 th Quarter	Gather and analyze data from existing performance metrics. Establish a formal performance measurement plan	Use metrics to improve operations
1 st Quarter	4 th Quarter	Continue to update and improve the COE's website	Provide best possible information portal for public use



PalmBeachCountyEthics.com

Hotline: (877) 766-5920