

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

JANUARY 4, 2012

**WEDNESDAY
1:40 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Judge Edward Rodgers, Chair
Manuel Farach, Esq., Vice Chair – Arrived later
Robin N. Fiore, Ph.D.
Ronald E. Harbison, CPA – Arrived later
Bruce E. Reinhart, Esq.

COMMISSION ON ETHICS STAFF:

Mark E. Bannon, COE Investigator
Alan S. Johnson, Esq., COE Executive Director
Gina A. Levesque, COE Executive Assistant
James A. Poag, COE Investigator
Megan C. Rogers, Esq., COE Staff Counsel

ADMINISTRATIVE STAFF:

Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Judge Edward Rodgers requested that all cellphones be silenced. He stated that anyone wishing to speak should submit a public comment card.

IV. APPROVAL OF MINUTES FROM NOVEMBER 30, 2011 – Page 6

MOTION to recess for an executive session. Motion by Robin Fiore, seconded by Bruce Reinhart, and carried 3-0.

RECESS

At 1:41 p.m., the chair declared the meeting recessed to take up the executive session.

(CLERK'S NOTE: Commissioners Manuel Farach and Ronald E. Harbison entered the chambers.)

RECONVENE

At 2:24 p.m., the meeting reconvened with Judge Edward Rodgers, Manuel Farach, Robin Fiore, Ronald Harbison, and Bruce Reinhart present.

V. EXECUTIVE SESSION

V.a. C11-021

Commissioner Farach read the public report and final order of dismissal in summary as follows:

Complainant Suzette Peccoelli Rodriguez, a former employee of the City of Boynton Beach, filed the above-referenced complaint on October 14, 2011, alleging possible ethics violation involving respondent Laurie LaVerriere, the interim city manager of Boynton Beach. The complaint contended that Ms. LaVerriere used her position and authority as interim city manager to attempt to have complainant enter into an agreement known as a last-chance employment agreement in order to remain employed with the City of Boynton Beach, which last-chance employment agreement would allow for her termination without appeal if there were any further rules violations over the next three years. The Complainant states that this agreement violates her rights as an employee regarding the appeal of such a termination because the last chance agreement would not allow for an appeal. After choosing to not enter into the agreement, complainant was terminated from her city employment for undisclosed rules violation.

The complainant makes no allegation, nor does she present any evidence that indicates Ms. LaVerriere or any other person or entity listed under Section 2-443(a)(1-7) received any special financial benefit by offering her this agreement in lieu of termination.

V.a. – CONTINUED

Nor does she allege any facts to indicate that the offer by Ms. LaVerriere to enter into this agreement was a “corrupt” misuse of office. Assuming that all the allegations as presented by complainant are true, the offer to enter into this last chance agreement would not be in violation of the Code of Ethics (Code). The ethics commission accordingly dismissed the complaint on January 4, 2012, due to lack of legal sufficiency.

Done and ordered by the Palm Beach County Commission on Ethics (COE) in public session on January 4, 2012. Signed: Edward Rodgers, chairman of the COE.

V.b. C11-022

Commissioner Farach read the public report and final order of dismissal in summary as follows:

Complainant LaDonna Booth filed the above-referenced complaint on November 29, 2011, alleging a possible ethics violation involving respondent Conrad Ailstock, manager of the Palm Beach County Water Utilities Department. The complaint alleges that Mr. Ailstock corruptly misused his official position to secure a special benefit for Ms. Natalie Jones, who is the daughter of Ms. Dawn Jones, who is one of the subordinates, by allowing Ms. Natalie Jones to be rehired under the supervision of her mother and signing off on her timesheets.

After initial inquiry into this matter, complaint was determined by staff to be legally insufficient, with a recommendation of dismissal. The factual basis underlying this complaint has been previously addressed in other orders from this commission, namely, C11-019 and C11-020, with inquiry made and no legal sufficiency found in this particular inquiry.

Accordingly, it is the finding of the COE that the complaint against respondent Conrad Ailstock is hereby dismissed. Done and ordered by the COE in public session on January 4, 2012. Signed: Edward Rodgers, chair of the COE.

V.c. C11-023

Commissioner Farach read the public report and final order of dismissal in summary as follows:

Complainant LaDonna Booth filed the above-referenced complaint on November 29, 2011, alleging a possible ethics violation involving respondent Wayne Condry, the director of the Palm Beach County Human Resources Department. The complaint alleges that Mr. Condry corruptly misused his official position to secure a special exemption for Ms. Joan Myers, a former employee, by changing her rehire status prior to the expiration of the one-year waiting period described in Palm Beach County Merit rule 5, resulting in the former employee being rehired by Palm Beach County. After initial inquiry into this matter, the complaint was determined by staff to be legally insufficient and presented to the COE on January 4, 2012, with a recommendation to dismiss as legally insufficient.

The COE had reviewed the memorandum of inquiry and determined that the complainant had no personal knowledge or independent evidence that the respondent, Wayne Condry, corruptly used his official position to secure a special exemption in violation of Ordinance Section 2-443(b) of the Palm Beach County Code of Ethics. Accordingly, the COE dismisses the complaint on January 4, 2012, due to legal insufficiency.

Done and ordered by the Palm Beach County COE in public session on January 4, 2012. Signed: Edward Rodgers, chair.

V.d. C11-024

Commissioner Farach read the public report and final order of dismissal in summary as follows:

Complainant LaDonna Booth filed the above-referenced complaint on November 29, 2011, alleging a possible ethics violation involving respondent, Dawn Jones, procurement coordinator, Palm Beach County Water Utilities Department. The complaint alleges that Ms. Jones violated the County's nepotism policy by requesting her daughter, Natalie Jones, be employed as a temporary employee at the Water Utilities Department procurement section under her direct supervision.

V.d. – CONTINUED

After initial inquiry into the matter, the complaint was determined by staff to be legally insufficient and presented to the COE on January 4, 2012, with a recommendation of dismissal as legally insufficient.

The factual basis underlying this complaint had been previously addressed in C11-019 and C11-020 with inquiry made and no legal sufficiency being found in inquiry 11-023.

The COE reviewed the Memorandum of Inquiry and determined that the complainant has no personal knowledge nor independent evidence that the respondent, Dawn Jones, advocated for the employment of her daughter in violation of Section 2-445 of the Palm Beach County Code of Ethics.

Accordingly, the COE dismissed the complaint on January 4, 2012, due to legal insufficiency. Done and ordered by the COE in public session on January 4, 2012. Signed: Edward Rodgers, chair.

V.e. C11-025

Commissioner Farach read the public report and final order of dismissal in summary as follows:

Complainant LaDonna Booth filed the above-referenced complaint on November 29, 2011, alleging a possible ethics violation involving respondent Debra West, assistant director, Palm Beach County Water Utilities Department. The complaint alleges that Ms. West corruptly misused her official position to secure a special benefit for Natalie Jones, daughter of Ms. Dawn Jones, who is one of her subordinates, by allowing Ms. Natalie Jones to be hired under the supervision of her mother, and then signing off on her timesheets.

After initial inquiry into this matter, the complaint was determined by staff to be legally insufficient, and presented to the COE on January 4, 2012, with a recommendation of dismissal as legally insufficient. The factual basis underlying this complaint had been previously addressed in C11-019 and C11-020 with inquiry made and no legal sufficiency being found in inquiry C11-023.

V.e. – CONTINUED

The COE reviewed the memorandum of inquiry and determined that the complainant has no personal knowledge or independent evidence that respondent Debra West used her official position to secure a special benefit in violation of Section 2-443(b) of the Palm Beach County Code of Ethics, and accordingly dismissed the complaint on January 4, 2012, due to no legal sufficiency.

Done and ordered by the Palm Beach County COE in public session on January 4, 2012. Signed: Edward Rodgers, chair.

(CLERK'S NOTE: Item IV. was taken at this time.)

IV. APPROVAL OF MINUTES FROM NOVEMBER 30, 2011

Commissioner Farach made the following statements regarding the minutes from November 30, 2011:

- On page 15, the sentence starting with, Dr. Fiore stated that in addition to the language, should contain a final line in the paragraph to read, firm had not previously been given gifts.
- On page 17, Ms. Rogers' first bullet point should be changed to read, Elected officials were prohibited from voting on matters that would financially benefit themselves.
- On page 23, second bullet, the sentence was, Circumstances could occur where the official's son was standing next to an applicant. He did not understand what that meant in terms of a person standing next to an applicant.

The COE Executive Director Alan S. Johnson commented that he thought that his phrase was in terms of an appearance before a board or commission where the son was standing with an applicant. He said that although he could not recall the phrase specifically, that would be the context.

Commissioner Farach continued:

- On page 23, three paragraphs from the bottom, the sentence should read, Commissioner Farach expressed concern regarding a discussion of the *Goin* case in the proposed advisory opinion letter.

IV. – CONTINUED

MOTION to approve the minutes as amended to include the changes stated by Commissioner Farach. Motion by Manuel Farach, seconded by Robin Fiore, and carried 5-0.

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

MOTION to approve the consent agenda. Motion by Bruce Reinhart, seconded by Ronald Harbison, and carried 5-0.

REORDER THE AGENDA

(CLERK'S NOTE: Judge Rodgers suspended the agenda order to take up Items VIII.c. and VIII.d. in tandem.)

VIII.c. PROPOSED ADVISORY OPINION (RQO) 11-111

Mr. Johnson stated that the Town of Ocean Ridge (Town) police chief had inquired as to whether a municipal police department member could accept a \$50 gift card from a Town resident who was not a vendor or lobbyist of the Town. He said that a gift card was offered in appreciation rather than for any particular purpose.

Mr. Johnson said that the staff submitted the following for COE approval:

- A holiday gift of gift cards to all police department employees of an agency was not prohibited provided that the cards were not given in exchange for the past, present, or future performance of an official act or a legal duty.
- Because the official acts of police officers were of a discretionary nature, and the officers retained the power and authority to sanction or detain citizens under the law, gifts such as these may create an appearance of impropriety; therefore, municipalities may have policy and procedural rules banning such gifts.
- While such holiday gifts may not be prohibited under the Code, officers and department personnel must take great care not to take an official action or perform, fail to perform, or violate a legal duty because of a gift accepted by them or on their behalf.

VIII.c. – CONTINUED

- No reporting requirement existed for gifts amounting to less than \$100 in aggregate over the course of a year.

Commissioner Fiore commented that the Town resident was already a recipient of services, and that:

- The gift card fit the model of an exchange instead of a gift.
- A genuine gift was given with no hope of return, reciprocity, or mutuality.
- The staff description read: A holiday gift of gift cards to all police department employees is not prohibited, provided that it was not given in exchange for the past, present or future performance of an official act or a legal duty. Since the gift card was given only to people who had an official duty to provide those services, it was an exchange.

Commissioner Reinhart stated that the distinction to be made was whether the gift was in exchange for a specific or particular action, rather than for the general providing of police services. He said that clarifying language may have to be written.

Commissioner Harbison queried whether gifts cards were distributed from the department or distributed by the donor individually to each recipient.

Town Police Department Chief Chris Yannuzzi replied that either Town resident Robert Merkel or his wife had delivered a stack of gift cards with individual names written on them, and that they were delivered via interoffice mail.

Mr. Merkel stated that he gave \$50 cards to sworn police officers, dispatchers, and other department personnel names from a list that his wife's secretary had obtained.

Chief Yanuzzi confirmed that the Town's 14 police officers and five dispatchers had received the cards. Mr. Harbison thanked Chief Yannuzzi for taking the initiative with his ethics inquiry. Chief Yannuzzi thanked Mr. and Mrs. Merkel for their generosity.

VIII.c. – CONTINUED

Commissioner Reinhart recommended that the following additional facts be incorporated into the proposed advisory opinion:

- Mr. Merkel had not received specific, individualized services during the year that differed from other citizens.
- Chief Yannuzzi was able to monitor all the reports that came through his department.

Commissioner Harbison added that Chief Yannuzzi had supplied the list of recipients, rather than the donor directing the gift recipients.

Judge Rodgers said that he did not favor specificity. He recommended the approval of staff's recommendation and continuing reviews on a case-by-case basis.

Commissioner Farach said that added language should include:

- The COE had received public comment from Mr. Merkel and from Chief Yannuzzi;
- The COE had satisfied itself that no corrupt intent was evident; and,
- Sufficient procedural safeguards were in place as Chief Yannuzzi stated.

Commissioner Fiore stated that she wanted the staff description in the synopsis to be changed to add the wording, given in exchange for identifiable past, present or future acts, or specific acts. Mr. Johnson agreed to the addition.

MOTION to approve the proposed language additions suggested by Manuel Farach to be inserted into the proposed advisory opinion. Motion by Bruce Reinhart, and seconded by Robin Fiore.

At Judge Rodgers' direction, Commissioner Farach restated his comment that the COE was satisfied that sufficient procedural safeguards were employed by Chief Yannuzzi and the police department. Commissioner Reinhart added that the COE had also heard additional comment directly from Chief Yannuzzi which, coupled with the additional safeguards, satisfied the COE that no violation existed. Commissioner Farach agreed that Commissioner Reinhart's language reflected his sentiment.

VIII.c. – CONTINUED

Mr. Johnson said that the language changes could be made during the meeting or afterwards for the chair's approval.

MOTION to approve the RQO 11-111 proposed advisory opinion as modified by Robin Fiore and Manuel Farach's changes, with deference to the chair and to the vice chair as to the specific language to be incorporated. Motion by Bruce Reinhart, seconded by Manuel Farach, and carried 5-0.

VIII.d. RQO 11-112

Ms. Rogers made the following points during a presentation:

- Town employees were prohibited from using their official positions to give special financial benefits not shared with similarly situated community charitable organizations, or to nonprofit organizations of which they were officers or directors.
- Lending Chief Yannuzzi's name or official title to a fundraising effort would constitute the use of one's official position and employment to financially benefit a Town police department support group specially. Alternatives were to resign from the charity's position or to withhold the use of the Town's official position in order to solicit contributions in a personal capacity only.
- The police chief could send solicitation letters over his name without his title, and the Town's human resources department director could serve on a nonprofit board. They were not required to use their official titles while serving in those positions even though they would serve as a result of their employment.

Commissioner Harbison commented that another consideration was the competition for donations that existed among charities. He said that leveraging one's title gave an unfair advantage.

MOTION to approve proposed advisory opinion letter RQO 11-112. Motion by Manuel Farach, seconded by Bruce Reinhart, and carried 5-0.

Mr. Johnson reported that the COE executive director's office had received 123 advisory opinion requests in 2011 and 41 in 2010.

REORDER THE AGENDA

(CLERK'S NOTE: Judge Rodgers suspended the agenda order to take up Item VIII.b.)

VIII.b. RQO 11-107

Ms. Rogers stated that:

- The County Intergovernmental Coordination Program (Program) created by an interlocal agreement served to resolve disputes and to promote communications among municipalities, the School District, the South Florida Water Management District (SFWMD), and the County.
- The only Program members subject to the jurisdiction of the COE were those appointed by municipalities or by the Board of County Commissioners (BCC).
- Program participants who were not subject to the COE's jurisdiction included appointees of the League of Cities (LOC), the School Board, and the SFWMD.

The LOC Executive Director Radcliffe Brown stated that the LOC was a 501(4)(c) nonprofit organization and that some of its members were elected officials.

Ms. Rogers clarified that any LOC-appointed mayor or elected official who served on the Program's board would not be subject to the Code by nature of the LOC's appointment, but would instead be subject to the Code in his or her capacity as elected official.

Commissioner Fiore recommended that the COE create a paragraph describing the Code's requirements for inclusion in future interlocal agreements, and for posting on the COE's Web site.

MOTION to approve proposed advisory opinion letter RQO 11-107. Motion by Bruce Reinhart, seconded by Robin Fiore, and carried 5-0.

REORDER THE AGENDA

(CLERK'S NOTE: Judge Rodgers suspended the agenda order to take up Item VIII.f.)

VIII.f. RQO 11-115

Ms. Rogers stated that:

- The City of Boynton Beach's (City) lease agreement to the 501(c)(3) Schoolhouse Children's Museum and Learning Center (Museum) required the City's manager or appointee to sit on the board of directors.
- Staff's opinion was that public officials may not use their positions and titles to give the Museum special financial benefits not shared with similarly situated charitable organizations, even though they served on the board by direction of their government employer.
- Any solicitation for donations from officers on behalf of the charity by using official titles would constitute a violation of the Code's misuse of office section.

City Interim Manager Lori Laverriere asserted that she had not solicited for Museum donations in her official capacity. She asked for details concerning individual fundraising and advice as to whether she should abandon the effort.

Commissioner Farach replied that the COE's job was to interpret the Code and issue opinions by applying common-sense principles. He said that while the COE could not dispense advice, no issues would exist if no charitable solicitations took place.

MOTION to approve proposed advisory opinion letter RQO 11-115. Motion by Bruce Reinhart, seconded by Robin Fiore, and carried 5-0.

(CLERK'S NOTE: The agenda order was restored.)

VIII.a. RQO 11-104

The COE Investigator Mark E. Bannon stated that:

- This matter was resubmitted for the COE's consideration of a possible rules misinterpretation.
- The original submission concerned the Code's section that described nonprofits' 501(c)(3) solicitation guidelines, which did not apply to the County Municipal Clerks Association (MCA).

VIII.a. – CONTINUED

- A closer study of the Code's exceptions revealed that the MCA was not permitted to solicit anything from lobbyists or officials because contributions applied to members' education within all 38 municipalities.

MOTION to approve proposed advisory opinion letter RQO-11-104. Motion by Robin Fiore, and seconded by Ronald Harbison.

Commissioner Fiore commented that municipalities should commit to education, training, and pay so that their clerks could attend seminars. Mr. Johnson said that solicitations could be made of non-vendors and non-lobbyists for that purpose.

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

VIII.e. RQO 11-113

Ms. Rogers stated that staff agreed that a County medical examiner's employee was not prohibited from giving personal gifts to municipal-government vendor employees or lobbyists. She said that while the Code prohibited vendors from giving personal financial benefits to government employees, the reverse did not apply.

Commissioner Fiore commented that the gift-giving was ill advised even though the Code permitted it.

(CLERK'S NOTE: Judge Rodgers left the meeting.)

MOTION to approve proposed advisory opinion letter RQO 11-113. Motion by Bruce Reinhart, seconded by Ronald Harbison, and carried 4-0. Judge Rodgers absent.

VIII.g. RQO 11-117

Ms. Rogers stated that:

- Staff agreed that an advisory board member was not permitted to use his or her appointed office to give himself/herself or his or her outside business, or a customer or client of the outside business, a special financial benefit not shared with similarly situated members of the general public.

VIII.g. – CONTINUED

- When faced with a conflict, the board member must disclose the nature of the conflict, refrain from voting or participating, and file the required conflict disclosure form.

(CLERK'S NOTE: Judge Rodgers rejoined the meeting.)

- Prior to a vote taken on a preliminary matter, rather than a voting matter that would be going before other boards, the advisory board member in question would be unable to present a matter before the board in any capacity. The member would, however, be able to present it before the planning and zoning and other boards, but only in a private professional capacity.

Commissioner Farach referred to the opinion's last sentence of the paragraph beginning with, IN SUMMARY. He asked Ms. Rogers whether the meaning was that a business associate of the person asking the question could petition the Community Appearance Board (CAB). Ms. Rogers replied affirmatively, adding that it was permissible only if a business associate's official title was not mentioned in a presentation. A CAB member familiar with the business named in the petition must abstain from all parts of the conversation, she added.

Commissioner Farach expressed concern that the abstain provision was not included in that paragraph's final sentence. Ms. Rogers suggested adding: however, you must abstain and not participate in the matter.

Ms. Rogers said that an alternative would be to substitute the word, again, for however. Mr. Farach said that he agreed to the insertion of either word so long as the special restrictions were clear.

MOTION to approve proposed advisory opinion letter RQO 11-117. Motion by Manuel Farach, seconded by Robin Fiore, and carried 5-0.

VIII.h. RQO 11-118

Mr. Johnson stated that:

- Financial services professionals involved in the public issuance of bonds were not prohibited from contractual arrangements or compensation contingent upon the transaction closings, as they were ordinary and customary in the bond underwriting industry.

VIII.h. – CONTINUED

- Bond underwriting professionals were paid from monies that were financed so that no payment was made for unsold bonds. The industry should be exempted from contingent fee prohibitions of Section 2-443.
- Assistant County Attorney Leonard Berger, who had requested the opinion, was unable to attend today's meeting to provide background information. The item could be tabled until the next meeting, when he could be present.

Commissioner Harbison commented that a continued discussion with Mr. Berger present would benefit the public and the commissioners with the provision of examples of fees that were inappropriate.

MOTION to postpone a vote on item RQ 11-118 until the next meeting with Leonard Berger present. Motion by Bruce Reinhart.

Commissioner Farach stated that he believed the prohibition was to halt the overuse of contingency fee agreements' arrangements that conveyed a quid pro quo or a kickback. He said that a vote should be taken today so that any pending bond issues could be resolved before the COE next met.

Commissioner Fiore stated that her preference was to delay a vote in case bond issues were pending. Commissioner Harbison said that the public would benefit from hearing Mr. Berger's point of view.

MOTION seconded by Robin Fiore, and carried 4-1. Manuel Farach opposed.

VIII.i. RQO 11-123

Mr. Johnson stated that:

- The Code exempted other governmental entities from the definition of outside employer or business. That meant that a prohibition against a public employee working for an outside employer who had contracts with his or her government employer did not apply to that employee working part-time for another government.

VIII.i. – CONTINUED

- The County or any municipal government could apply through its own rules or by a more stringent condition or regulation concerning the outside employment by merit rule or by some other internal policy or procedure.

MOTION to approve proposed advisory opinion letter RQO 11-123. Motion by Bruce Reinhart, seconded by Manuel Farach, and carried 5-0.

RECESS

At 4:25 p.m., the chair declared the meeting recessed.

RECONVENE

At 4:42 p.m., the meeting reconvened with Judge Edward Rodgers, Manuel Farach, Robin Fiore, Ronald Harbison, and Bruce Reinhart present.

IX. BOCA RATON VOTING CONFLICTS

Mr. Johnson stated that:

- Staff sought direction for an advisory opinion that was requested by the City of Boca Raton. The issue was whether a rational and reasonable interpretation of the Code allowed for certain relationships where it was unlikely that there would be a financial benefit to either the company or to the employee if the nexus between the employee or the outside customer client was so distant that there was no public reason to have the employee abstain and not participate.
- He, Mr. Berger, and Ms. Rogers conferred to create the guidelines that appeared in the staff analysis regarding voting conflicts, and a COE discussion was requested.

Commissioner Farach stated that the guidelines represented a good start, and that no bright-line rule existed that identified Code violations. Mr. Johnson said that the Code contained the bright-line words: You may not financially benefit a customer or client of your outside business or employer. He said that a customer or client was bright-line defined as \$10,000 in goods or services provided to that customer or client over a 24-month period.

IX. – CONTINUED

Mr. Johnson continued: the County's Code was a standout among other counties. He said that most ethics codes described the relationship itself as opposed to the County's bright-line description of a customer or client of an outside employer with a \$10,000 threshold.

Commissioner Reinhart said that individual disclosures of each board member's employer could be made public as a step toward resolving relationship issues. Commissioner Farach said that the ethics ordinance drafting committee could choose to reconvene and discuss Code revisions in a public forum. Commissioner Fiore remarked that no urgency was evident, and that the ordinance, as written, was sufficient for the COE's purposes.

Mr. Johnson remarked that his staff planned to bring a request for an advisory opinion on this issue to the COE in February.

X. REVISION TO RULES OF PROCEDURE, SECTION 2

Mr. Johnson stated that the COE staff's analysis and revision recommendations were written to bring the rules of procedure in line with the actual realities of procedure. He said that although the COE may prefer to delay discussion until the next meeting, he sought permission now to omit the names of those requesting advisory opinions from the ethics' Web site and to redact their names within publications.

Commissioner Fiore stated that redactions would create suspicion rather than gratitude for free advice. Commissioner Harbison said that people had told him that they would not seek an opinion because they feared public reaction. Commissioner Reinhart said that a stigma may attach to those who requested their names to be redacted. Commissioner Farach said that while the State COE redacted names on request, the County COE had processed a greater number of requests than the State had accomplished because its transparency lent credibility.

Judge Rodgers stated that:

- He would prefer that the COE perform evaluations of actual situations rather than serve as an advisory board for people who sought approval for their planned actions.

X. – CONTINUED

- Written advisory opinions should be as brief as possible.

Mr. Johnson relayed an invitation from the county attorney to COE members to attend a County Financing Committee meeting where a summer bond issue would be discussed. He said that the inspector general (IG) would attend that meeting.

MOTION to postpone discussion of Item X. until the next meeting. Motion by Commissioner Harbison, and seconded by Commissioner Fiore.

Judge Rodgers said that he had discussed with Mr. Johnson the following:

- As chair of the IG Committee, he seldom interacted with the IG and received little information about the committee's ongoing activities.
- A conflict could exist if he asked COE members for their advice or suggestions concerning items he might wish to discuss with the IG.
- An open meeting on February 7, 2012, presented an opportunity for COE members to ask questions of the IG Committee on behalf of the ethics commission.

(CLERK'S NOTE: The date of February 7, 2012, for the IG Committee meeting was inadvertently stated incorrectly. The correct date is February 9, 2012.)

Mr. Johnson stated that it was inappropriate for the COE to discuss IG matters. He said that Judge Rodgers, as chair of the IG Committee, was permitted to speak to any of its members or staff about any issues in mind. He recommended that Judge Rodgers confirm his communication status with the IG's general counsel first, as he could not dispense legal advice.

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

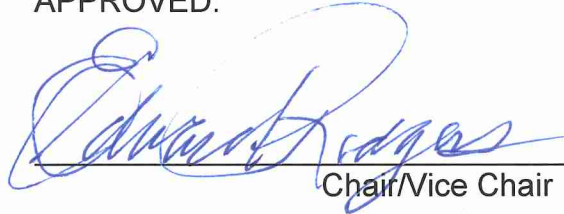
XI. EXECUTIVE DIRECTOR COMMENTS – None

XII. PUBLIC COMMENTS – None

XIII. ADJOURNMENT

At 5:36 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair