

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

DECEMBER 8, 2016

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

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER**
- II. ROLL CALL**

MEMBERS:

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

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Anthony C. Bennett, Chief COE Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Timothy Montiglio, Deputy Clerk, Clerk & Comptroller's Office

- III. INTRODUCTORY REMARKS**

Chair Michael Kridel stated that the meeting would be brief and the last one of the calendar year.

- IV. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)**
 - IV.a. RQO 16-026**

IV. – CONTINUED

IV.b. RQO 16-027 – pulled

MOTION to approve the consent agenda as amended. Motion by Sarah Shullman, seconded by Michael Lofreddo, and carried 3-0. Clevis Headley and Judy Pierman absent.

V. ITEMS PULLED FROM CONSENT AGENDA

IV.b. RQO 16-027

Commissioner Shullman said that she wanted to understand the difference between a discounted hotel room rate being offered as a gift and a discounted government room rate. She said that government employees who routinely take advantage of government employee discount rates could be in violation of the gift law. She added that although a group of government employees could negotiate a discount rate as a group and not as government employees, they could still be violating the gift law.

Christie E. Kelley, Esq., COE General Counsel said that:

- The hotel room rate was only offered to the City of Delray Beach (City) employees on a specific night and considered a gift.
- The hotel communicated to the City that a special rate for City employees would be offered to them for a specific night.
- In a 2012 case where County firefighters were offered a discounted room rate at a City of Daytona Beach hotel, the gift law was upheld.

Mark E. Bannon, Commission on Ethics (COE) Executive Director said that:

- The government room rate should apply only to employees when on government business.
- The one-night difference in rates would not be enough to file a gift disclosure form, but was still considered a gift.
- Nongovernment agencies were not obligated to abide by the County's gift law.

IV.b. – CONTINUED

Commissioner Shullman said that using the government rate for employees on government business was not considered a gift.

Commissioner Kridel said that the rate in this case was \$63, which was below the \$100 gift law threshold and considered de minimis.

Mr. Bannon said that the City decided to forego the discount rate rendering the discussion moot.

MOTION to approve RQO 16-027 as published. Motion by Sarah Shullman, seconded by Michael Lofreddo, and carried 3-0. Clevis Headley and Judy Pierman absent.

VI. EXECUTIVE DIRECTOR COMMENTS

VI.a.

DISCUSSED: Executive Director Anniversary

Mr. Bannon said that December 8, 2016 marked his first anniversary as COE Executive Director and wanted to thank the commissioners and staff for their support.

VI.b.

DISCUSSED: New Practical Guide

Mr. Bannon said that the new Practical Guide to The Code of Ethics for Employees and Public Officials was now available. He added that Public Affairs created an online version of the guide that would be available on the COE Web site in the near future.

VI.c.

DISCUSSED: Training Video

Mr. Bannon said that the new Ethics Training Video would be available online on the COE Web site in one week. He thanked staff and Channel 20 staff for their help and support.

VI. – CONTINUED

VI.d.

DISCUSSED: Annual Report

Mr. Bannon said that the COE Annual Report would be presented at the January 12, 2017 meeting.

VI.e.

DISCUSSED: Governmental Ethics Conference

Mr. Bannon said that COE Intake and Compliance Manager Gina Levesque and Chief COE Investigator Anthony Bennett would be attending the annual Council on Governmental Ethics conference in New Orleans in one week.

VI.f.

DISCUSSED: Hearing Officer Listing

Mr. Bannon said that staff was coordinating with the Palm Beach County Bar, the Hispanic Bar, and the F. Malcolm Cunningham Sr. Bar associations to create a list of potential hearing officers. He said that the COE ordinance required the three bar associations to comprise a list of 10 volunteer hearing officers.

VII. COMMISSION COMMENTS

VII.a.

DISCUSSED: Commendation

Commissioner Shullman thanked Mr. Bannon for his smooth transition into the executive director role.

VII.b.

DISCUSSED: Hearing Officer Listing

Commissioner Shullman said that staff could also advertise for hearing officers with the Florida Association for Women Lawyers and that she would communicate that to the association.

VII.b. – CONTINUED

Mr. Bannon said that staff would also advertise with other professional associations.

VIII. PUBLIC COMMENTS – None

IX. ADJOURNMENT

At 1:47 p.m., the chair declared the meeting adjourned.

APPROVED



Chair/Vice Chair