

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

NOVEMBER 2, 2017

**THURSDAY
2:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

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

MEMBERS:

Michael S. Kridel, Chair
Clevis Headley, Vice Chair - Absent
Bryan Kummerlen
Judy M. Pierman
Sarah L. Shullman

STAFF:

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

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

- III. INTRODUCTORY REMARKS – None**

IV. APPROVAL OF MINUTES FROM OCTOBER 12, 2017

Commissioner Bryan Kummerlen noted that the vote on page 6 should indicate Bryan Kummerlen and not Michael Kummerlen.

MOTION to approve the October 12, 2017 minutes as amended. Motion by Judy Pierman, seconded by Bryan Kummerlen, and carried 4-0. Clevis Headley absent.

V. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

V.a. RQO 17-022

VI. ITEMS PULLED FROM CONSENT AGENDA – None

MOTION to approve the consent agenda. Motion by Sarah Shullman, seconded by Judy Pierman, and carried 4-0. Clevis Headley absent.

VII. PROPOSED ADVISORY OPINIONS

VII.a. RQO 17-015

Commissioner Kummerlen commented that the language in RQO 17-015 better clarified some of the previous questions that were asked during the October 12, 2017 meeting.

PUBLIC COMMENTS: Darren Leiser and M.B. Hague.

Commissioner Shullman said that uncertainty existed on whether voting on the project gave a direct financial benefit or other special benefit to the Citizen Owners of Love Street Inc. or the Town of Jupiter Planning & Zoning Commissioners, Mary Beth Hague and Cheryl Schneider. She added that the opinion letter narrowly construed the specific set of facts contained in the letter.

MOTION to approve advisory opinion letter RQO 17-015. Motion by Bryan Kummerlen, seconded by Judy Pierman, and carried 4-0. Clevis Headley absent.

(CLERK'S NOTE: Item IX. was presented at this time.

IX. EXECUTIVE DIRECTOR COMMENTS

IX.A.

DISCUSSED: Ethics Training, COE Fall Newsletter, Ethics Seminar, and Partnership with Public Ethics Academy for Florida Atlantic University.

Mark Bannon, COE Executive Director, said that:

- Staff continued live ethics trainings and was midpoint through the training of several municipalities.
- Christie Kelley, COE General Counsel, completed and uploaded the fall 2017 newsletter onto the Web site.
- He and Norm Ostrow, City of West Palm Beach Ethics Officer, conducted ethics training at an October 18, 2017 Palm Beach County League of Cities (League of Cities) meeting.
- He would be attending the 11th annual Ethics Seminar in the City of Boca Raton.
- On October 16, 2017, he met with Dr. Peter Cruz, executive director of the Public Ethics Academy for Florida Atlantic University, to discuss partnering with faculty members on improving the COE's Web site and PowerPoint skill sets.

X. COMMISSION COMMENTS – None

XI. PUBLIC COMMENTS

XI.A.

DISCUSSED: October 18, 2017 COE Ethics Training at the League of Cities.

Richard Radcliffe, Executive Director of the League of Cities, said that the 61 people who attended the October 18, 2017 League of Cities ethics training provided positive feedback.

RECESS

At 2:42 p.m., the chair declared the meeting recessed for an executive session.

(CLERK'S NOTE: Item VIII. was presented this time.)

VIII. EXECUTIVE SESSION

RECONVENE

At 4:12 p.m., the meeting reconvened, and at Chair Kridel's request for a roll call, Commissioners Bryan Kummerlen, and Sarah Shullman were present.

VIII.a. C17-018

Chair Kridel read the following Public Report and Final Order of Dismissal as discussed during the executive session:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on June 1, 2017, alleging that Respondent, Hal Valeche, a Palm Beach County commissioner, violated §2-444(a)(l) of the Palm Beach County Code of Ethics by knowingly accepting a gift from a person that he knew, or should have known, was a principal of a lobbyist who lobbied Palm Beach County.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On November 2, 2017, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate, the Commission determined that the violation was unintentional, inadvertent, or insubstantial and issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance.

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VIII. – CONTINUED

VIII.a. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Hal Valeche, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 2, 2017.

By: Michael S. Kridel, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

VIII.b. C17-019

Chair Kridel read the following Public Report and Final Order of Dismissal as discussed during the executive session:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on June 1, 2017, alleging that Respondent, Rena Blades, a principal of lobbyists who lobbied Palm Beach County, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift with a value greater than \$100 in the aggregate for the calendar year to a person who she knew was an official of the county. Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On November 2, 2017, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission determined that the violations were unintentional, inadvertent or insubstantial and issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance.

VIII. – CONTINUED

VIII.b. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaints against Respondent, Rena Blades, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 2, 2017.

Signed: Michael S. Kridel, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

(CLERK'S NOTE: Item VIII.d. was presented at this time.)

VIII.d. C15-023

Chair Kridel read the following Public Report and Final Order of Dismissal as discussed during the executive session:

Complainant, Steven P. Cullen, former Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on October 2, 2015, alleging that Respondent, Orlando Serrano, a former City of Delray Beach employee, violated §2-443(b) and §2-443(d) of the Palm Beach County Code of Ethics by improperly using his official position as a city employee to corruptly secure a special benefit from himself and others and by entering into prohibited contracts with the City of Delray Beach through his outside business or employer.

(This space intentionally left blank.)

VIII. – CONTINUED

VIII.d. – CONTINUED

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On November 2, 2017, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate [and Respondent], the Commission found that probable cause existed but dismissed the complaint because the public interest would not be served by proceeding further pursuant to Section 2-260.3 of the Commission on Ethics Ordinance.

Although probable cause exists, Respondent was arrested and charged with Grand Theft over \$20,000 and Organized Scheme to Defraud (\$20,000 or more) (criminal case number 2016CF001522CXXX) regarding the same allegations. Pursuant to a plea negotiation, Respondent plead and was adjudicated guilty of all charges. Respondent was sentenced to one year in jail and five years probation and ordered to pay restitution in the amount of \$133,444.57 to the City of Delray Beach and perform 100 hours of community service.

Due to the sanctions levied by a criminal court against Respondent regarding the same allegations, Respondent losing his employment with the City, being ordered to pay restitution to the City, and having conditions placed on him that exceed any penalty the COE could impose to ensure this action does not occur again, the COE has determined that the public interest would not be served by proceeding further.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Orlando Serrano, is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 2, 2017.

VIII. – CONTINUED

VIII.d. – CONTINUED

Signed: Michael S. Kridel, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

(CLERK'S NOTE: Item VIII.c. was presented at this time.)

VIII.c. C17-028

Chair Kridel read the following Public Report and Final Order of Dismissal as discussed during the executive session:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on July 24, 2017, alleging that Respondent, Rena Blades, a principal of lobbyists who lobbied Palm Beach County, violated §2-444(a){2} of the Palm Beach County Code of Ethics by giving, directly or indirectly, a gift with a value greater than \$100 in the aggregate for the calendar year to a person who she knew was an employee of the county.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On November 2, 2017, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission determined that the violations were unintentional, inadvertent or insubstantial and issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Rena Blades, is hereby DISMISSED and a Letter of Instruction is issued.

VIII. – CONTINUED

VIII.c. – CONTINUED

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 2, 2017.

By: Michael S. Kridel, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

VIII.d. See earlier in the minutes.

IX. See earlier in the minutes.

X. See earlier in the minutes.

XI. See earlier in the minutes.

XII. ADJOURNMENT

At 4:23 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair