

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

DECEMBER 14, 2017

**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
Bryan Kummerlen
Judy M. Pierman – Absent
Sarah L. Shullman

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Anthony Bennett, COE Chief Investigator
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 NOVEMBER 2, 2017

MOTION to approve the November 2, 2017 minutes. Motion by Clevis Headley, seconded by Bryan Kummerlen, and carried 4-0. Judy Pierman absent.

RECESS

At 1:31 p.m., the chair declared the meeting recessed for an executive session.

V. EXECUTIVE SESSION: C17-040

RECONVENE

At 2:16 p.m., the meeting reconvened, and at Chair Kridel's request for a roll call, Vice Chair Headley, and Commissioners Kummerlen, and Sarah Shullman were present.

Vice Chair Headley read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on November 8, 2017, alleging that Respondent, Geeta Loach Jacobson, a Palm Beach County employee, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by knowingly accepting a gift from a person that she knew, or should have known, was an employer 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 December 14, 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 concluded no probable cause exists to believe a violation occurred because the gift met the public purpose exception.

V. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Geeta Loach-Jackson, is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on December 14, 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.)

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. RQO 17-023

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

VII. ITEMS PULLED FROM CONSENT AGENDA – None

VIII. PROPOSED ADVISORY OPINIONS

VIII.a. RQO 17-025

Christie Kelley, COE General Counsel, said that:

- A member of the Village of Wellington Construction Board of Adjustments and Appeals (board) asked whether his outside employment at an engineering consulting firm would create a conflict while serving on the board.
- Staff submitted that his employment with the engineering consulting firm would not create a conflict as long as he did not use his board position to give a special financial benefit to his outside employer or any customer/client of his outside employer.

VIII.a. – CONTINUED

- If his outside employer or the customer/client of his outside employer appeared before the board, he would have to publicly disclose the nature of the conflict, abstain from participating in, or voting on the matter, and he would have to file a State voting conflict form.

Commissioner Shullman said that:

- The advisory opinion letter was unclear on whether a special financial benefit could still occur if his outside employer or customer/client did not appear before the board.
- The language “or would receive a special financial benefit from your vote on the matter” could be added after the word “matter” in the second sentence, page 2, of the advisory opinion letter.
- The outside employer provided forensic engineering to the property insurance industry so any dollar savings to the outside employer’s client would also be considered a type of financial benefit.
- The words “or any savings to that customer or client of the employer” could be added in parentheses after the words “special financial benefit.”

Ms. Kelley said that the fourth line of the advisory opinion letter’s answer should state “which gives” rather than “which your give.”

MOTION to approve advisory opinion letter RQO 17-025 as amended to include the changes as discussed. Motion by Sarah Shullman, seconded by Clevis Headley, and carried 4-0. Judy Pierman absent.

IX. EXECUTIVE DIRECTOR COMMENTS

IX.a.

DISCUSSED: Council on Governmental Ethics Laws (COGEL), All Hazard Incident Management Team, City of Boca Raton (Boca Raton) Council meeting, and the Palm Beach Flagler Rotary Club.

IX. - CONTINUED

Mark Bannon, COE Executive Director, said that:

- He and Ms. Kelley attended the annual COGEL conference where information was gleaned from previous conferences when drafting the COE's handbooks and Top Ten List.
- Gina Levesque, COE Intake and Compliance Manager, completed a training session at the County's All Hazard Incident Management Team conference.
- He was invited to speak at a Boca Raton Council meeting about voting conflict issues, advisory opinions, and best practices and suggestions.
- Peter Cruz, with the Public Ethics Academy at Florida Atlantic University, requested that he present a COE overview to the Palm Beach Flagler Rotary Club.

X. COMMISSION COMMENTS – None

XI. PUBLIC COMMENTS – None

XII. ADJOURNMENT

At 2:28 p.m., the chair declared the meeting adjourned.

APPROVED:


Chair/Vice Chair