

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

**FEBRUARY 1, 2018**

**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  
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 JANUARY 11, 2018**

**MOTION to approve the January 11, 2018 minutes. Motion by Clevis Headley, seconded by Judy Pierman, and carried 5-0.**

**RECESS**

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

**V. EXECUTIVE SESSIONS**

**RECONVENE**

**At 2:15 p.m., the meeting reconvened, and at Chair Michael Kridel's request for a roll call, Vice Chair Headley, and Commissioners Bryan Kummerlen, Pierman, and Sara Shullman were present.**

**V.a. C17-045**

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 30, 2017, alleging that Respondent, John McGovern, a Village of Wellington elected official, 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 with the exercise of reasonable care, was a principal of lobbyists who lobbied the Village of Wellington.

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 February 1, 2018, 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's attorney, the Commission concluded no probable cause exists to believe a violation occurred because Respondent exercised reasonable care prior to accepting the gift by asking the gift giver directly whether he employed lobbyists.

**V.a. – CONTINUED**

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, John McGovern, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on February 1, 2018.

By: Michael S. Kridel, Chair

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

**V.b. C17-046**

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 complaints on November 30, 2017, alleging that Respondent, Richard Schechter, a principal of lobbyists registered to lobby the Village of Wellington, 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 persons who he knew was a Village of Wellington official.

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. Respondent and Advocate entered into a negotiated settlement wherein Respondent admitted to giving two tickets to the Palm Beach Masters - Deeridge Farm event, in February 2017, with a value of \$400 to a person who he knew was a Village of Wellington official. Respondent admitted that the conveyance of this gift could reasonably be perceived as a violation of §2-444(a)(2) of the Palm Beach County Code of Ethics, but maintained that any such violation was unintentional and inadvertent because he had terminated the employment of the lobbyists in September 2016, but the lobbyists failed to withdraw their lobbyist registration upon their termination.

**V.b – CONTINUED**

On February 1, 2018, the negotiated settlement was presented to the COE for approval. After reviewing all relevant documents associated with the case and listening to the oral statements by the Advocate and the Respondent's attorney, the Commission approved the negotiated settlement, determined that the violation was unintentional or inadvertent, issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance, and dismissed the case.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Richard Schechter, 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 February 1, 2018.

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 17-027**

**MOTION to approve the consent agenda. Motion by Clevis Headley, seconded by Judy Pierman, and carried 5-0.**

**VII. ITEMS PULLED FROM CONSENT AGENDA – None**

**VIII. PRESENTATION OF ANNUAL REPORT**

Mark Bannon, COE Executive Director, said that:

- The COE's mission statement remained virtually the same since the COE's inception in 2010.

## VIII. – CONTINUED

- In 2017, he and COE General Counsel Christie Kelley conducted 52 on-site training sessions with various entities and municipalities.
  - Training was also available on DVD, YouTube, and through internet streaming of the COE's Web site.
  - The most-viewed page on the Web site involved required training.
- 27 advisory opinion letters were issued regarding voting conflicts, conflicts of interest, and misuse/corrupt misuse of office.
- 46 sworn complaints were filed in 2017.
  - 44 were self-initiated and 2 were from other individuals.
  - 34 were in various stages of investigation and/or procedure.
  - 8 resulted in findings of probable cause and issuances of letters of instruction.
  - 2 were administratively dismissed and were found not to be legally sufficient.
  - 2 were dismissed with a finding of no probable cause.
  - 2 probable cause complaints were dismissed with letters of instruction, and 1 was dismissed with a letter of reprimand.
  - 1 complaint reached final hearing, and a letter of reprimand was issued.
- 34 inquiries were opened in 2017.
  - 6 were found not to be legally sufficient.
  - 19 became self-initiated complaints, of which 1 was ongoing.
  - 8 involved the failure of lobbyists to file expenditure reports and resulted in suspension of their lobbying activities.

## VIII. – CONTINUED

- 11 from 2016 were disposed of, with 6 found not to be legally sufficient and 7 being filed as self-initiated complaints.
- Gift law violations encompassed the majority of the complaints or inquiries.
- 49% of complaints or inquiries came from municipalities, 30% came from lobbyists, and 21% came from the County.
- The COE's 2017 fiscal year budget was \$634,700, of which, \$634,609.34 was expended.
- 2018 projects included:
  - creating 5-minute video clips that answered questions about the COE and uploading them onto the Web site;
  - gathering and analyzing data from existing performance metrics; and
  - continuing to improve and update the Web site.
- Increased improvements in the economy probably accounted for rising gift law violations, but staff never found that a gift was specifically given to improperly influence someone.
- Sending e-mail blasts to registered principals, lobbyists, and employers about the registration process would be primarily administered by the County.

Gina A. Levesque, COE Intake and Compliance Manager, said that Mr. Bannon was working to make the lobbyist database easier to maneuver and to determine if someone was registered as a principal or a lobbyist.

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**IX. EXECUTIVE DIRECTOR COMMENTS**

**IX.a.**

**DISCUSSED:** COE Recognition.

Mr. Bannon said that Chair Kridel accepted his reappointment for a second term. He added that Vice Chair Headley and Commissioner Pierman's terms were ending, and he thanked them for their service.

(CLERK'S NOTE: See below for continuation of item IX.)

**X. COMMISSION COMMENTS**

**X.a.**

**DISCUSSED:** COE Recognition.

Chair Kridel recognized Vice Chair Headley and Commissioner Pierman for serving on the COE.

Mr. Bannon said that Richard Radcliffe, Executive Director of the Palm Beach County League of Cities (League), expressed his appreciation of Vice Chair Headley and Commissioner Pierman.

Commissioners Shullman and Kummerlen recognized Vice Chair Headley and Commissioner Pierman for their service.

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

**IX.b.**

**DISCUSSED:** Open COE Seats.

Mr. Bannon said that Peter Cruz and Rodney Romano would fill the COE seats for Florida Atlantic University and the League and that they would be sworn in on March 1, 2018.

**IX. – CONTINUED**

**IX.c.**

**DISCUSSED:** High School Ethics Bowl.

Mr. Bannon said that he, Ms. Kelley, and Ms. Levesque volunteered as judges and monitors for the High School Ethics Bowl held on January 27, 2018.

**IX.d.**

**DISCUSSED:** Complaint C17-002.

Mr. Bannon said that the COE found probable cause in C17-002 and that Ron Jones opted for a final hearing in the matter.

**XI. PUBLIC COMMENTS – None**

**XII. ADJOURNMENT**

**At 2:50 p.m., the chair declared the meeting adjourned.**

APPROVED:



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Chair/Vice Chair