

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

**MARCH 1, 2018**

**THURSDAY  
1:33 P.M.**

**COMMISSION CHAMBERS  
GOVERNMENTAL CENTER**

**I. CALL TO ORDER**

**II. ROLL CALL**

**MEMBERS:**

Michael S. Kridel, Chair  
Peter L. Cruise  
Bryan Kummerlen – Absent  
Rodney G. Romano  
Sarah L. Shullman

**STAFF:**

Mark E. Bannon, Commission on Ethics (COE) Executive Director  
Anthony C. 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:**

Leslie Dangerfield, Minutes Clerk, Clerk & Comptroller's Office

**III. INTRODUCTORY REMARKS**

Chair Kridel welcomed new members Peter Cruise and Rodney Romano.

**IV. APPROVAL OF MINUTES FROM FEBRUARY 1, 2018**

**MOTION to approve the February 1, 2018 minutes. Motion by Sarah Shullman, seconded by Michael Kridel, and carried 4-0. Bryan Kummerlen absent.**

**RECESS**

**At 1:35 p.m., the chair declared the meeting recessed for an executive session.**

**V. EXECUTIVE SESSIONS**

**RECONVENE**

**At 2:37 p.m., the meeting reconvened, and at Chair Kridel's request for a roll call, Commissioners Cruise, Romano, and Shullman were present.**

**V.a. C17-009**

Chair Kridel 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 April 19, 2017, alleging that Respondent, Susan Haynie, a City of Boca Raton official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by accepting a gift with a value greater than \$100 in the aggregate for the calendar year from a person or business entity that she knew, or should have known with the exercise of reasonable care, was a vendor or principal or employer of a lobbyist who lobbies, sells, or leases to the City of Boca Raton.

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. Respondent and Advocate entered into a negotiated settlement wherein Respondent admitted to accepting two tickets to the Lincoln Day Dinner on February 20, 2016, with a value of \$600, from Waste Management, Inc., which is a City of Boca Raton vendor as well as a principal or employer of lobbyists who lobby the City of Boca Raton. Respondent maintains that any such violation was unintentional and inadvertent.

**V.a. – CONTINUED**

On March 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 COE approved the negotiated settlement, determined that the violation was unintentional or inadvertent pursuant to the Advocate's recommendation as well as the Response to the Advocate's recommendation, 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, Susan Haynie, 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 March 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. C17-020**

Chair Kridel 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 June 2, 2017, alleging that Respondent, Susan Haynie, a City of Boca Raton official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by knowingly accepting a gift from a person or business entity that she knew, or should have known with the exercise of reasonable care, was a lobbyist or principal or employer of lobbyists who lobby the City of Boca Raton.

**V.b. – 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 March 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 the gift was not from a prohibited source.

Therefore it is:

**ORDERED AND ADJUDGED** that the complaint against Respondent, Susan Haynie, is hereby **DISMISSED**.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on March 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 18-002 and RQO 18-003**

**MOTION to approve RQO 18-002 and RQO 18-003. Motion by Peter Cruise and seconded by Sarah Shullman carried 4-0. Bryan Kummerlen absent.**

**VI.b. RQO 18-006**

Commissioner Romano recused himself from voting.

**MOTION to approve RQO 18-006. Motion by Peter Cruise and seconded by Sarah Shullman carried 3-0. Bryan Kummerlen absent.**

**VII. ITEMS PULLED FROM CONSENT AGENDA**

**VII.a. RQO 18-001**

Christie Kelley, COE General Counsel, stated that the item was pulled from consent because additional information was received from Palm Tran, which changed the outcome of the original opinion. She added that:

- A paratransit driver asked if he was prohibited from serving as an advisory board member on the Palm Tran Service Board.
- The code stated that if the advisory board had contract oversight - which the code defined as any oversight, regulation, management, or policy setting recommendations, regarding the subject contract - the appointment to the board must be declined.
- Palm Tran Service Board had contract oversight over the contract between First Transit and the County, and because the board made policy-setting recommendations regarding the contract, the employee was prohibited from serving and must decline the appointment.

In response to Commissioner Shullman, Ms. Kelley stated that a waiver would not be acceptable.

**MOTION to approve RQO 18-001. Motion by Sarah Shullman and seconded by Peter Cruise carried 4-0. Bryan Kummerlen absent.**

**VIII. PROPOSED ADVISORY OPINIONS**

**VIII.a. RQO 17-021**

Ms. Kelley said that:

- The Division Chief of Medical Services for Palm Beach County Fire Rescue (PBCFR) asked if there was a conflict of interest if PBCFR entered into a contract with First Response Medical Consultants (FRMC), LLC.
- The requested contract would allow FRMC to reimburse PBCFR for providing mobile integrated health or community paramedicine services to those enrolled in the FRMC program.

### VIII.a. – CONTINUED

- Staff concluded that under the code, the 2 medical directors who owned FRMC and their outside business were prohibited from entering into any contract with PBCFR where PBCFR would pay the medical directors.
- To avoid violating the code, staff advised refraining from using or referring to their official positions, titles, email, and uniforms while advertising their services to the general public.

Commissioner Shullman stated that:

- The code identified that FRMC was prohibited from entering into a contract with PBCFR where PBCFR would pay the medical directors for their outside business for services rendered.
- In this situation, the prohibited conduct for contractual relationships provision did not limit who was paying whom, only that an employee was prohibited from entering into any contract with their respective county or municipality.

COE Executive Director Mark Bannon stated that the commission had the power to interpret the code. He added that the issue could be postponed.

Chair Kridel stated that the situation created a problematic precedent for other entrepreneurs.

Commissioner Romano stated that there was an appearance of impropriety and a liability was likely.

Commissioner Shullman stated that the code prohibited individuals from entering into a contract with their respective county or municipality, regardless of the direction of the financial transaction.

Commissioner Cruise stated that the public would be concerned with the decision to support the contract.

**MOTION to postpone RQO 17-021 until April 5, 2018. Motion by Peter Cruise and seconded by Rodney Roman carried 4-0. Bryan Kummerlen absent.**

**IX. EXECUTIVE DIRECTOR COMMENTS**

Mr. Bannon stated that:

- All commissioners were given copies of the updated book of rules, regulations and policies. He added that the code had not changed since 2015, but some of the internal policies had changed.
- Ms. Kelley and Chief Investigator Anthony Bennett attended a course on supervision and government offered by the Florida Institute of Government.
- The COE found probable cause in the Ron Jones matter and he elected to use a hearing officer, which did not require COE's involvement. He added that 3 potential hearing officers were approved by local bar associations and the matter would go before the Board of County Commissioners on March 13.
- Commissioner Mary Lou Berger will read a proclamation for April Ethics Awareness Month at that meeting.

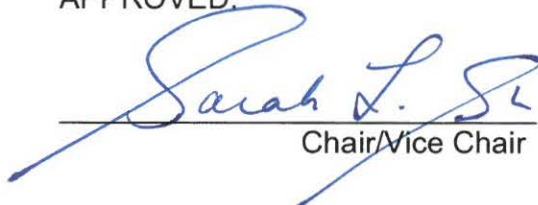
**X. COMMISSION COMMENTS – None**

**XI. PUBLIC COMMENTS – None**

**XII. ADJOURNMENT**

**At 3:10 p.m., the chair declared the meeting adjourned.**

APPROVED:



Chair/Vice Chair