

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

**JANUARY 10, 2019**

**THURSDAY  
1:34 P.M.**

**COMMISSION CHAMBERS  
GOVERNMENTAL CENTER**

**I. CALL TO ORDER**

**II. ROLL CALL**

MEMBERS:

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

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:

Yadzia Road, Deputy Clerk, Clerk & Comptroller's Office (Clerking)  
Gretel Sarmiento, Deputy Clerk, Clerk & Comptroller's Office (Condensing)

**III. INTRODUCTORY REMARKS – None**

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

**MOTION to approve the November 1, 2018 minutes. Motion by Peter Cruise, seconded by Rodney Romano, and carried 3-0. Bryan Kummerlen and Michael Kridel absent.**

**V. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)**

- a. RQO 18-017
- b. RQO 19-001
- c. RQO 19-002

**MOTION to approve the consent agenda. Motion by Peter Cruise, seconded by Rodney Romano, and carried 3-0. Bryan Kummerlen and Michael Kridel absent.**

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

**VII. PRESENTATION OF 2018 ANNUAL REPORT**

Mark E. Bannon, COE Executive Director, said that:

- The COE's mission involved fostering integrity in public service, promoting the public's trust and preventing conflicts between private interests and public duties.
- Education programs, community outreach programs, and advisory opinions helped accomplish that.
- Fairness, clarity and common sense were the principles that guided the COE, which was on its 8<sup>th</sup> year of operation.
- The COE had 18,000 people under its jurisdictions, including elected officials and employees.
- Costs had been kept to a minimum considering the services the COE offered.
- This year saw a total of 15 live training presentations, 12 training policy and compliance reviews, and 39 municipal meetings.
- Training was also done via YouTube and 50 DVDs had been mailed to various agencies.
- COE Web site views totaled 24,000, with April seeing the highest volume and February the lowest.

## VII. – CONTINUED

- In 2018, 17 advisory opinions were issued, with conflict of interest, contractual relationships and gift law being the most common issues.
- In 2018, 9 complaints were investigated along with 34 ongoing complaints carried over from 2017. Voting conflict was the most common subject matter.
- Of the complaints investigated, 80% was filed against a municipal official or employee while 20% was against a county official or employee.
- City residents tended to pay more close attention to their local government, which could explain the high percentage of municipal complaints.
- Among the 34 complains from 2017 that were resolved in 2018 figured 10 dismissals with letters of instruction, 20 no probably causes and 1 negotiated settlement that included a \$500 fine.
- The complaint process diagram summarized the various stages of findings preceding public sanction or dismissal.
- The operating budget for Fiscal Year 2018 was \$654,193, of which \$9,874 was returned to the County general fund.

Commissioner Cruise inquired about the average turn-around time for an advisory opinion.

Mr. Bannon said that it depended on the complexity of the matter and that some opinions were fairly simple and could be formulated in about 3 weeks.

Commissioner Shullman asked for clarification on the COE jurisdiction with respect to independent entities, such as the Palm Beach County School Board (School Board).

## **VII. – CONTINUED**

Mr. Bannon said that the COE had no jurisdiction over the School Board and that a recent newspaper article referred to the School Board's code of ethics. He said that his opinion was that it was unlikely that –just like a city's ethics code would not apply to the elected officials, but would probably be more of a policy applied to employees– the same was probably true of the School Board. He clarified that the published story implied that he believed that the COE's code of ethics did not apply to elected officials, which was inaccurate. He added that the COE did have the authority to investigate municipal and county elected officials and issue sanctions, if necessary.

Commissioner Cruise inquired as to why the City of Westlake did not fall under the COE's jurisdiction.

Mr. Bannon said that the Inspector General (IG) Ordinance, which was written at the same time as the COE Ordinance, stated that any new municipalities that came along after the ordinance adoption, should fall under the IG's jurisdiction.

Commissioner Cruise said that placing new municipalities under the COE's jurisdiction should be one of the changes recommended to the BCC.

Mr. Bannon said that he would review the IG ordinance language and consider proposing that change.

## **IX. COMMISSION COMMENTS**

### **IX.A.**

#### **DISCUSSED:** Staff commendation

Commissioner Romano said that given the volume of documents he reviewed every day, it was very helpful to receive information in an effective and concise manner. He added that the COE staff did a great job.

Commissioner Shullman said that 2018 proved to be a productive year and the message of fairness and firmness was conveyed. She added that the advisory opinions issued reflected that the main goal was compliance and not necessarily punishment.

## **X. PUBLIC COMMENTS – None**

**VIII. EXECUTIVE DIRECTOR COMMENTS – None**

**VIII.A.**

**DISCUSSED:** Conference attendance

Mr. Bannon stated that COE Investigator I Abigail Irizarry had spent 3 days in Philadelphia attending a global conference and a lot of value had resulted from her participation.

**VIII.B.**

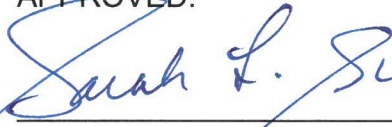
**DISCUSSED:** High School Ethics Ball

Mr. Bannon stated that on January 26, he would be volunteering at the High School Ethics Ball along with COE General Counsel Christie E. Kelley, Esq., and COE Intake and Compliance Manager Gina A. Levesque. The event would take place at Santaluces Community High School this year.

**XI. ADJOURNMENT**

**At 2:01 p.m., the chair declared the meeting adjourned.**

APPROVED:

  
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Chair/Vice Chair