

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

APRIL 4, 2019

**THURSDAY
1:32 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

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

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:

Marisa Valentin, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM FEBRUARY 7, 2019

MOTION to approve the February 7, 2019 minutes. Motion by Peter Cruise, seconded by Michael Kridel, and carried 4-0. Rodney Romano absent.

(CLERK'S NOTE: Rodney Romano arrived at this time.)

V. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

a. RQO 19-005

MOTION to approve the consent agenda. Motion by Bryan Kummerlen, seconded by Peter Cruise, and carried 5-0.

VI. ITEMS PULLED FROM CONSENT AGENDA – None

RECESS

At 1:34 p.m., the chair declared the meeting recessed for an executive session.

VII. EXECUTIVE SESSION - C18-001

RECONVENE

At 2:12 p.m., the meeting reconvened with Chair Shullman, Vice Chair Kummerlen, and Commissioners Peter Cruise, Michael Kridel, and Rodney Romano present.

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

Complainant, Francis Debrowski filed the above referenced complaint on August 31, 2018, alleging that Respondent, Michael Ehora, a Palm Beach County employee, violated §2-443(a) and §2-443(b) of the Palm Beach County Code of Ethics by improperly taking possession of county-owned computers and by improperly using a county-issued vehicle for personal use.

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 April 4, 2019, 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 any violations of §2-443(a) and §2-443(b) occurred.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Michael Ehora, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 4, 2019.

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

VIII. EXECUTIVE DIRECTOR PAY

Vice Chair Kummerlen said that after reviewing the salaries of similar positions throughout the state, the current salary for the executive director was fair and reasonable.

Commissioner Romano inquired about the last time the executive director's pay had been adjusted.

COE Executive Director Mark Bannon said that the salary was last adjusted when he joined the team approximately 3 years ago. He said that since then only cost of living increases had been applied.

Commissioner Cruise said that he had some concerns that the Palm Beach County COE Executive Director's salary was lower than comparable positions throughout the state. He said that an adjustment should be considered.

Chair Shullman stated that Miami-Dade County Ethics Commission Executive Director position paid \$45,000 more than Palm Beach County's equivalent position. She said that she also compared the Palm Beach County Inspector General's salary and there was a disparity of \$44,000.

Vice Chair Kummerlen said that due to the differences in function of inspectors general and executive directors of Commissions on Ethics, good parallels could not be drawn. He said that he supported a salary increase for the COE executive director position that exceeded the cost of living salary adjustment.

MOTION to recommend the Palm Beach County Board of County Commissioners (BCC) reset the COE Executive Director's base pay to \$175,000 annually. Motion by Rodney Romano.

Chair Shullman clarified that the COE could make the recommendation to raise the salary of the executive director but final approval and implementation of same rested with the BCC.

MOTION seconded by Peter Cruise.

Commissioner Cruise inquired whether the BCC could reject the COE's recommendation.

Mr. Bannon clarified that the ordinance stated that the COE set the executive director's salary, but that the BCC could reject the recommendation if the amount exceeded budget constraints. He said that he was comfortable with his salary and did not want to jeopardize BCC approval of the staff pay increases that he requested. He stated that the amount he requested for staff pay increases totaled \$26,000.

Vice Chair Kummerlen inquired whether the executive director could apply his pay increase toward staff raises.

Mr. Bannon stated that he did not have the discretion to accept an increase in salary and distribute it as staff pay increases. He said that although staff and executive director pay increases fell within the same budget, the recommendations were separate and individual.

Chair Shullman clarified that the COE had the authority to recommend executive director pay increases, and Mr. Bannon had authority over the request for staff raises.

Vice Chair Kummerlen clarified that the COE had previously offered its support for Mr. Bannon's request that the BCC include in the 2020 budget pay increases for COE staff.

UPON CALL FOR A VOTE, the motion carried 5 – 0

MOTION to approve the memorandums supporting both an increase in salary for the COE executive director and Mr. Bannon's recommendation for staff pay raises. Motion by Bryan Kummerlen, seconded by Peter Cruise, and carried 5-0.

IX. EXECUTIVE DIRECTOR COMMENTS

IX.A.

DISCUSSED: Meet and Greet

Mr. Bannon said that he and COE General Counsel Christie E. Kelley attended a City of Riviera Beach council meeting, during which they introduced themselves to the newly elected city council members and city mayor.

IX.B.

DISCUSSED: County Municipal Ethics Retraining

Mr. Bannon said that compliance reviews were being conducted and live training for several municipal officials and employees was being scheduled. He said that Ms. Kelley updated the training with new examples that were implemented.

X. COMMISSION COMMENTS

X.A.

DISCUSSED: Expression of Gratitude

Commissioner Kridel expressed his appreciation for COE staff and Mr. Bannon.

XI. PUBLIC COMMENTS – None

XII. ADJOURNMENT

At 2:47 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair