



Honesty - Integrity - Character

Palm Beach County

Commission on Ethics

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Commissioners

Peter L. Cruise

Carol E. A. DeGraffenreidt

Michael S. Kridel

Michael H. Kugler

Rodney G. Romano

Executive Director

Mark E. Bannon

Intake and Compliance Manager

Gina A. Levesque

General Counsel

Christie E. Kelley

Investigator

Abigail Irizarry

Investigator

Mark A. Higgs

Agenda

February 4, 2021 – 1:30 p.m.

Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Introductory Remarks
- IV. Approval of Minutes from January 7, 2021
- V. Annual Report
- VI. Executive Director Comments
- VII. Commission Comments
- VIII. Public Comments
- IX. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

JANUARY 7, 2021

**THURSDAY
1:28 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Carol E.A. DeGraffenreidt
Michael H. Kugler – Absent
Rodney G. Romano

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Mark A. Higgs, COE 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

Chair Cruise said he was happy to see the attendees at the first meeting of the COE of 2021, and that democracy was alive and well in the County.

IV. APPROVAL OF MINUTES FROM DECEMBER 10, 2020

MOTION to approve the December 10, 2020 minutes. Motion by Rodney Romano, seconded by Michael Kridel, and carried 4-0. Michael Kugler absent.

Mark Bannon, COE Executive Director, suggested reordering the agenda.

(CLERK'S NOTE: The agenda was reordered without objection.)

V. EXECUTIVE DIRECTOR COMMENTS

Mark Bannon, COE Executive Director, made the following comments:

- He wished everyone a Happy New Year and was glad everyone was safe and healthy.
- He attended the Tuesday December 15, 2020 BCC meeting, where David Baker and Andrea McMillan were appointed to the COE Revision Committee.
- On January 11, 2021 at 6:30 p.m. he would be presenting an overview to the Town of Westlake.
- At the Town of Westlake's regular commission meeting an agreement would be reviewed and signed putting it under the COE's jurisdiction.
- Christie E. Kelley, Esq., COE General Counsel, would be presenting live ethics training on January 13, 2021 at the request of the Palm Beach County Office of Equal Opportunity Advisory Committee on Women.
- COE staff continued to work remotely.
- The final hearing for David Demarius was set for January 19, 2021, which was expected to be resolved.
- The final hearing for Lynne Hubbard was set for January 29, 2021; however, a resolution was not anticipated.

VI. COMMISSION COMMENTS

Chair Cruise stated that the 26th Annual Regional High School Ethics Bowl was taking place online on February 1, 2021. He requested that the COE members and staff consider accepting the forthcoming invitations to participate as judges.

VII. PUBLIC COMMENTS – None

VIII. PUBLICATION OF EXECUTIVE SESSION ORDERS

VIII.a. C19-007

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

Complainant, Mark E. Bannon, Executive Director of the Palm Beach County Commission on Ethics, filed the above referenced complaint on September 30, 2019, alleging possible ethics violations involving Respondent, Emery Hampton, a former employee of the city of Riviera Beach. The complaint alleged that Respondent may have violated §2-443(a), Misuse of public office or employment, §2-443(b), Corrupt misuse of official position, and §2-443(i), Disclosure or use of certain information, of the Palm Beach County Code of Ethics by using his position with the city to obtain information about city water customers who were in need of backflow prevention testing and providing the customers the name of a coworker to provide the testing.

Pursuant to §2-258(a) 1 of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics. On January 7, 2021, 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 that probable cause does not exist because there was no evidence to substantiate that a violation had occurred. Therefore, it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Emery Hampton, is hereby DISMISSED. DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on January 7, 2021.

By:
Peter L. Cruise, Chair

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

VIII.b. C19-008

Vice Chair Kridel read the following Public Report and Final Order:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on September 30, 2019, alleging possible ethics violations involving Respondent, Lyndon Gray, former employee of the city of Riviera Beach.

The complaint alleges three Palm Beach County Code of Ethics violations involving prohibited conduct. Count 1 alleges that Respondent violated Article XIII, Section 2-443(a), Misuse of public office or employment, of the Palm Beach County Code of Ethics by using his official position with the city to give a special financial benefit to himself by using the serial number of a city-owned resource on his paperwork for his personal clients. Count 2 alleges that Respondent used his official position to corruptly secure a special privilege, benefit, or exemption for himself in a manner inconsistent with a proper performance of his public duties, in violation of Article XIII, Section 2-443(b), Corrupt misuse of official position. Count 3 alleges that Respondent used information gained through his position with the city, but not available to members of the general public, for his personal gain or benefit, in violation of Article XIII, Section 2-443(i), Disclosure or use of certain information.

On January 7, 2021, Respondent stipulated to Probable Cause, and Respondent and Advocate submitted a Negotiated Settlement including a Letter of Reprimand to the COE for approval. Respondent stipulates to the facts and circumstances as contained in the Letter of Reprimand. According to the Negotiated Settlement and based on the facts as set forth in the Letter of Reprimand, Respondent admits to the allegations contained in Count 1 and Count 2 of the Complaint that he violated §2-443(a) and §2-443(b) of the Palm Beach County Code of Ethics. Respondent agrees to accept a Letter of Reprimand and to pay a total of one hundred fifty (\$150) dollars in fines. The COE agrees to dismiss Count 3. Pursuant to Commission on Ethics Ordinance §2-260.1, Public hearing procedures, the Commission finds that the violation in Count 1 was intentional and the violation in Count 2 was intentional. As to Counts 1 and 2, the Commission assess a total fine of one hundred fifty (\$150) dollars, and the RESPONDENT has been issued a LETTER OF REPRIMAND.

Therefore, it is:

ORDERED AND ADJUDGED THAT this matter is concluded upon the issuance of a LETTER OF REPRIMAND for Count 1: §2-443(a), Misuse of public office or employment, and Count 2: §2-443(b), Corrupt misuse of official position, payment of a one hundred fifty (\$150) dollar fine, and dismissal of Count 3.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in executive session on this 7th day of January, 2021.

By:
Peter L. Cruise, Chair

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

IX. ADJOURNMENT

At 2:35 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair