



Palm Beach County Commission on Ethics
"Honesty, Integrity, Character"

2015 Annual Report



2015 ANNUAL REPORT

PALM BEACH COUNTY COMMISSION ON ETHICS



300 NORTH DIXIE HIGHWAY, SUITE 450
WEST PALM BEACH
FLORIDA 33401



Palm Beach County Commission on Ethics

Commissioners

Michael S. Kridel, Chair
Clevis Headley, Vice-Chair
Michael F. Loffredo
Judy M. Pierman
Sarah L. Shullman

Executive Director

Mark E. Bannon

January 4, 2015

Chairman Michael S. Kridel
Palm Beach County Commission on Ethics
300 N. Dixie Highway, Suite 450
West Palm Beach, FL 33401

Chairman Kridel,

I am privileged to present the 2015 Annual Report of the Palm Beach County Commission on Ethics (the Commission).

Calendar year 2015 marked the completion of the fifth year of operation of the Commission on Ethics. The agency's primary mission is to review, interpret, render advisory opinions, and enforce the countywide Code of Ethics (the Code), Lobbyist Registration and Post Employment ordinances. In addition to the statutory mandates, staff is responsible for conducting ongoing ethics training for certain elected officials, advisory board members, and local government employees, as well as limited training for vendors, lobbyists and their principals and employers. Staff is also charged with performing ethics training compliance reviews for the county and local municipalities, offering overview presentations of Commission services and responsibilities to various civic groups, and managing the agency with a primary focus of building trust in local government.

This year has been one of changing faces for Commission members and staff. In 2015, the Commission gained two new members. Judy Pierman was appointed by the Palm Beach County League of Cities to complete the term of former Commissioner Carmine Priore, who resigned from the Commission. Commissioner Pierman was sworn and seated on June 4, 2015. Additionally, Sarah Shullman was appointed by the Palm Beach County Bar Association in conjunction with the F. Malcolm Cunningham, Sr. Bar Association and the Hispanic Bar Association to complete the term of former Commission Chair Salesia Smith-Gordon, who also resigned from the Commission. Commissioner Shullman was sworn and seated on September 3, 2015. As a result of the resignation of Chair Smith-Gordon, then Vice Chair Michael S. Kridel was elected as Chair and Commissioner Clevis Headley was elected as Vice Chair. Biographies of all of our distinguished Commissioners begin on page 9 of this report.

Concerning staff changes, on September 4, 2015, then Executive Director Steven Cullen submitted his resignation effective October 2, 2015. At the commission meeting held on October 2, Senior Investigator Mark Bannon was appointed as the Interim Executive Director. On December 4, 2015, after a the Commission conducted a competitive selection process, Mark Bannon was selected as the third Executive Director of the Palm Beach County Commission on Ethics. Investigator Anthony Bennett will be promoted to Senior Investigator, and Intake Manager Gina Levesque will have additional responsibilities and her title will change to Intake and Compliance Manager.

In 2015, Commission staff processed 49 advisory opinions, 16 sworn complaints, 14 self-initiated complaints and 32 inquiries based on anonymous or unsworn "tips" provided by the citizens of Palm Beach County. Additionally, staff handled 149 advisory opinion requests by referring the requesting party to prior COE opinions directly addressing those issues. The office hotline received 783 calls and visits to the COE website exceeded 15,000 for the year. The Commission website was improved in partnership with county Information Services (ISS) staff, by enhancements made in website graphics, as well as refining the ability to search our vast collection of advisory opinions. The Commission website currently has the entire text of all 350 Advisory Opinions written since 2010 as well as a short summary of each opinion. COE staff made 114 referrals to other local, state, or federal governmental agencies. These outputs generally meet or exceed those of calendar year 2014. Because of the resignation of former Executive Director Steven Cullen in late 2015, at the time of the publishing of this Annual Report, Commission staff has four full-time employees including Executive Director, Staff Counsel, Intake and Compliance Manager, and Chief Investigator. The vacant Investigator position is anticipated to be filled in early 2016.

The Historic 1916 Palm Beach County Courthouse

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Ethics training, community outreach, collaboration with other agencies and organizations and public education remain as cornerstones of our mission. On the training front, 2015 was a year in which various municipalities conducted their ethics training cycle, and in assisting with that mission, staff conducted 49 live trainings. Our training program continues to emphasize the common sense concepts of governmental ethics. Learning from professional presenters, our training seeks to educate a diverse group of covered persons to understand the highlights of the Code and where to turn for further information and help. Feedback obtained in post-training surveys remains very positive. However, because this is the second training cycle using the current live training format, we plan to make some adjustments over the course of 2016 to keep the training fresh.

Executive Director Bannon and Staff Counsel Kelley attended the 2015 Council of Governmental Ethics Laws (COGEL) conference in Boston in December. The card size "Top Ten Ethics Rules," an idea born out of attendance at the 2014 COGEL conference in Pittsburgh, remains a hit with internal and external customers over 2015, and along with our ethic's handbook, is a very popular item when conducting both training and outreach programs. Concerning community outreach specifically, staff continues to deliver informational presentations to a wide variety of community groups, organizations, agencies, and schools. Last year Commission staff taped several "public service announcements" for use on the website, which speak to our mission, and in 2016 these will be updated as well. The Palm Beach County Commission's Declaration of March 2015 as Ethics Awareness Month provided several public opportunities to detail the agency's mission. As volunteer judges and support staff for various ethics competitions, Commission staff work in the community with high school and college students interested in ethical debate. In 2015 Staff Counsel Christie Kelley traveled to St. Petersburg, Florida to assist in a regional Ethics Bowl competition.

Our social media presence on Facebook (www.facebook.com/pbccoe) and Twitter ([@pbccoe](https://twitter.com/pbccoe)) continues to grow, and we will work during 2016 to increase our social media outreach. We currently have 108 followers on Facebook and approximately 191 Twitter followers. In addition to providing web-based training modules for public officials, employees, and vendors, we continue to maintain a public database for annual and quarterly gift reports, voting conflict of interest disclosures, and outside employment waivers. We also continue to maintain links to Palm Beach County maintained databases, including lists of active registered vendors, registered lobbyists and their principals, as well as annual lobbyist expenditure reports. Additionally, all sworn complaints, related documents, and hearings are posted to our website once the cases become public record. Lastly, our website is fully searchable including all processed complaints and advisory opinions with the enhancements mentioned previously, and we will continue to enhance and upgrade the site throughout 2016.

Fiscally, Palm Beach County budgeted \$577,753 for Commission operations. Commission staff maintained careful stewardship of staff, operational and procurement costs. Our expenditures for the fiscal year were \$532,888. The net result was \$43,681 unspent for fiscal year 2014-2015. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget.

Concerning changes to the Commission on Ethics Ordinance as recommended by the Commission, in 2015 the Board of County Commissioners accepted some proposed changes to the ordinance recommended by the Commission in November 2013. The most significant result of these changes involved the "final hearing" process. Based on the changes, a Respondent now has a choice of a final hearing before the Commission or before a Special Magistrate. Best practices for a local commission continue to attract the interest of policymakers and legislators statewide, and both PBC Inspector General John Cary and Commission Executive Director Mark Bannon were invited to address the Lee County Charter Review Committee in November. Lee County is strongly considering adding a proposal to enact a Commission on Ethics and Office of Inspector General to the November 2016 ballot. The Charter Committee was both gracious and interested in our presentations, and we offered our assistance as needed.

With the close of calendar year 2015, it is clear that the operations, outputs and missions of the Commission are sound. I intend to work hard in 2016 with Commissioners, staff and stakeholders to continue to make improvements to our service. Thank you for your selection as your Executive Director and for your strong support of our operations as together we promote Palm Beach County's high standard of public service.

Sincerely,



Mark E. Bannon,
Executive Director

MEB/gal

The Historic 1916 Palm Beach County Courthouse

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MISSION STATEMENT

The mission of the Palm Beach County Commission on Ethics (COE) is to foster integrity in public service, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties.

We accomplish this mission by conducting ongoing educational programs, community outreach, providing clear and timely advice, and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws. In doing so, the commission is guided by principles of fairness, clarity, and common sense. We encourage you to spend time learning about our efforts by going to our website at www.palmbeachcountyethics.com and to contact our office with any questions or comments.

HISTORY

In framing a government which is to be administered by men over men the great difficulty lies in this: you must first enable government to control the governed, and in the next place, oblige it to control itself.

- Federalist #51

Now in its fifth year, the COE is an independent organization that administers and enforces the Palm Beach County Code of Ethics, Lobbyist Registration Ordinance and Post Employment Ordinance. The Code of Ethics is designed to help ensure that public officials and employees perform their public responsibilities impartially, do not use their public positions for private gain, and to foster public confidence in the integrity of local government. The Lobbyist Registration Ordinance was enacted to regulate certain lobbying activity and enhance lobbying transparency by establishing a central lobbyist registration and expenditure reporting system. While the commission has statutory license to punish offenders, COE staff strives to educate public employees, public officials, vendors, and lobbyists on how the rules affect governance and implementation of policy throughout the county.

Palm Beach County has a current estimated population of 1.397 million residents and has grown significantly in the past decade in terms of size and diversity. The county has over 6,000 full and part-time employees and approximately 1,000 volunteer officials staffing 95 committees and boards. There are 38 municipalities within Palm Beach County who are served by over 9,000 full and part-time employees, 258 municipal boards and committees with more than 1,800 volunteer advisory board members, and 198 elected officials.

As recommended by a 2010 grand jury convened to monitor the progress of the new ethics measures, a county-wide referendum was included on the November 2010 ballot. Voters overwhelmingly supported the measure to place the Commission on Ethics provisions into the county charter, expanding the jurisdiction of the COE to all local municipal governments. In 2012, the Lobbyist Registration Ordinance was adopted by 35 of the 38 municipalities within the County. COE staff stands ready to inform citizen groups and county and municipal governments alike about the services and benefits of the Commission on Ethics and Code of Ethics initiatives.

AN INDEPENDENT ETHICS INSTITUTION

Ethics is knowing the difference between what you have the right to do and what is the right thing to do.

- Justice Potter Stewart

The COE oversees, administers, and enforces local governmental ethics laws; receives and investigates complaints; provides formal advice to persons who fall within the jurisdiction of the commission; conducts training sessions for the community, municipal and county employees, and vendors; and proposes governmental ethics law reform.

Governmental ethics laws include the Ethics Ordinance, the Lobbyist Registration Ordinance, and the Post Employment Ordinance. The COE accepts sworn complaints regarding alleged violations of these laws and protects individuals from retaliation for reporting violations.

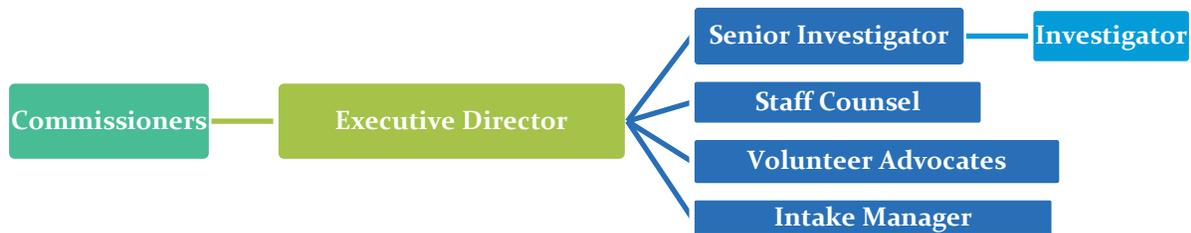
Persons who fall within the jurisdiction of the COE include:

- County and Municipal Elected Officials
- County and Municipal Advisory Board Members and other non-elected officials
- County and Municipal staff and contract employees
- Lobbyists and their principals
- Vendors
- Entities subject to jurisdiction pursuant to contract or Memoranda of Understanding

Our specific statutory authority is derived from Palm Beach County Code §2-254. This ordinance grants the COE the power to review, interpret, enforce, and render opinions regarding the above-mentioned County ordinances.

The key to the COE is independence, and, by definition, the COE is an independent office. The Palm Beach County Board of County Commissioners Organizational Structure chart reflects this independence by designating the Executive Director as an “Independent Official.” Ethics commissioners cannot be removed or otherwise influenced by the County Commission and are appointed by various non-political civic, educational, and professional organizations. The position of commissioner is non-partisan and non-political. Appointees may not participate in or contribute to a candidate for state or local office or allow his or her name to be used in support of or against a candidate or ballot issue. Appointees may not participate in or contribute to political action committees, campaign for office or referenda, and may not hold office in a political party or committee.

COMMISSION ON ETHICS ORGANIZATIONAL CHART



ABOUT THE COMMISSION

The COE is composed of five volunteer members who serve staggered terms of four years each. Each member of the COE must also have an outstanding reputation for integrity, responsibility, and commitment to serving the community. Moreover, as representatives of Palm Beach County, appointments are made with an eye towards the racial, gender, and ethnic make-up of the community.

Members are appointed by the following individuals or institutions:

- **President of the Palm Beach County Association of Chiefs of Police**- one appointment with the following qualifications: A former law enforcement official with experience in investigating white collar crime or public corruption. (**Commissioner Michael F. Loffredo**)
- **President of the F. Malcolm Cunningham, Sr. Bar Association, the President of the Hispanic Bar Association of Palm Beach County and the President of the Palm Beach County Bar Association** – one shared appointment with the following qualifications: An attorney with experience in ethics regulation of public officials and employees. (**Commissioner Sarah L. Shullman**)
- **President of Florida Atlantic University (FAU)** - one appointment with the following qualifications: A faculty member who teaches at an institution of higher education with a campus located in the county and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. (**Vice Chair, Commissioner Clevis Headley**)
- **President of the Palm Beach Chapter of the Florida Institute of Certified Public Accountants (CPA)** – one appointment with the following qualifications: A member with at least five (5) years experience as a CPA with forensic audit experience. (**Chair, Commissioner Michael S. Kridel**)
- **Palm Beach County League of Cities** - one appointment with the following qualifications: A person who has served as a former elected official for a governmental entity in the county. (**Commissioner Judy M. Pierman**)

ABOUT THE COMMISSIONERS

MICHAEL S. KRIDEL, CPA, CFF, CITP, CFA, CHAIR

Michael Kridel is a Principal with Rehmann Robson and practices primarily from the Boca Raton office. He is a practice leader in the litigation services area of Rehmann Consulting and its corporate investigation group. Mr. Kridel has practiced public accounting in South Florida since graduation from The George Washington University. Prior to joining Rehmann in 2013, he was a partner with a large Palm Beach County accounting firm for nearly 17 years. Since 1974, Mr. Kridel has provided litigation services in a broad range of matters including family law, stockholder actions, financial damages, fraud detection, criminal and civil tax matters, wrongful discharge and professional malpractice. Mr. Kridel is a frequent speaker, garnering numerous awards, at national and local conferences for accountants and attorneys on topics such as litigation services, professional ethics, eDiscovery, practice management, information technology and human resources. He is a certified ethics instructor in Florida



and is an online instructor in fraud courses for the University of North Carolina at Charlotte. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today.

He is also active in several community service organizations and is a Partner in Education at numerous Broward County high schools. For more than twenty years, Mr. Kridel has facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools, positively influencing nearly 1,500 students annually. He is also the profession's representative member of the Education Advisory Committee of the Florida Board of Accountancy.

CLEVIS HEADLEY, PH.D., VICE CHAIR

Cleviss Headley is an Associate Professor of Philosophy at Florida Atlantic University. He grew up in Delray Beach and graduated from Atlantic High School in 1980. He attended Sewanee: The University of the South, from which he received his Bachelor's degree in 1985, and conducted his graduate studies in philosophy at the University of Miami, receiving his Ph.D. in 1991. He has been teaching at Florida Atlantic University since 1993 and served as Chair of the philosophy department from 2008 to 2010.



Professor Headley publishes regularly in scholarly journals and anthologies and is a founding member of the Caribbean Philosophical Association. He teaches courses in a variety of areas, including ethical theory and political philosophy.

MICHAEL F. LOFFREDO, PH.D.

Dr. Loffredo began a career in law enforcement as a United States Army military policeman where he served 3 years active duty. He remained in the reserves and ultimately retired from the Army Reserves Criminal Investigation Command as a Chief Warrant Officer 4 after 25 years of reserve service. Upon leaving active military duty in 1961, Dr. Loffredo became a Trooper with the Florida Highway Patrol until 1967. In 1968 he joined the newly formed Florida Bureau of Law Enforcement as a special agent becoming the fourth investigator hired with the new agency. Over the course of the next 30 years, he served throughout south Florida as a special agent, supervisor and Agent in charge within various offices. His investigation experience is in a variety of criminal violations including drug and white collar crime. Upon retiring after 35 years in State law enforcement, Dr. Loffredo became an adjunct faculty member at Lynn University in the Masters Criminal Justice Program. In 1998 Dr. Loffredo became Chief of Police for Jupiter Island, where he served until 2005.



Dr. Loffredo received a Ph.D. in Criminal Justice Education from Union University. He attended the FBI National Academy in 1973. His professional affiliations include being a life member of the Florida Police Chiefs Association and Palm Beach County Police Chiefs Association. Dr. Loffredo has also served as past president and life member of the Treasure Coast Police Chiefs Association and past president of the Florida chapter of the FBI National Academy. He is one of the original members of the Palm Beach county Criminal Justice Commission in 1989 and is currently a member of the Reserve Officers Association with the United States Army, Fraternal order of Police, and the International Narcotic Association and is active in various community organizations.

JUDY M. PIERMAN

As former councilperson and first woman Mayor of North Palm Beach, Ms. Pierman has been a positive force in the Palm Beach County community for several decades, most notably in the area of education. Currently, she is the Hispanic Human Resources Council's (HHRC) Deputy Director. Ms. Pierman, who also doubles as the HHR Director of Education, a post she has maintained since 1994, is a long standing educator, former teacher in Ohio, New Jersey, Puerto Rico and Michigan and founder of pre-school programs in Ohio. She has served as President of Child Advocacy Board of Palm Beach County, Inc., a board member of Hope Rural School, a board member of The Benjamin School Corporate, a board member of Deaf Service Center of Palm Beach County, Inc., and the former Director of Puppetry Arts Center of the Palm Beaches. Ms. Pierman is a member of the American Association of University Women, Friends of the North Palm Beach Library and the National Association for Education of Young Children.



Her honors include the Deaf Service Center Distinguished Service Award, Child Advocate Award in 1997, 1999, 2001 and 2003 from the Child Advocacy Board of Palm Beach County, Inc., Extended Hands Community Literacy Award in 2004, Fair Housing Award in 2004, One Child at a Time Award in 2008, Brightest and Best Award in 2009, and the 4-H University of Florida Palm Beach County Outstanding Partner Award in 2015.

SARAH L. SHULLMAN, ESQ.

Sarah Shullman is an Assistant Attorney General with the Florida Office of the Attorney General, where she conducts investigations and civil prosecutions of persons and companies engaged in deceptive trade practices. As a result of her work in shutting down fraudulent scams that victimized Florida consumers and homeowners, Sarah was named Consumer Protection Division Attorney of the Year. Previously, Sarah served Palm Beach County as a Civil Traffic Hearing Officer for the Fifteenth Judicial Circuit and practiced in business and consumer finance litigation at Steel Hector & Davis and Squire, Sanders & Dempsey LLP. She was recently named a "Top Government Lawyer" in Florida Trend's Legal Elite and was selected as a "Leader in the Law" by the Florida Association for Women Lawyers.



Sarah earned her law degree *magna cum laude* from Georgetown and her business degree with honors from the University of Florida. Upon graduation, she published *The Illusion of Devil's Advocacy: How the Justices of the Supreme Court Foreshadow Their Decisions During Oral Argument*, in The Journal of Appellate Practice and Process. Dedicated to her local community, she serves on the Board of Managers for the Boys & Girls Club of Wellington, is a founding member of the Young Professionals of Wellington, and is an honorary trustee of the Jewish Women's Foundation. She is also active in the legal community, serving on the Board of Directors of the Florida Association for Women Lawyers, Palm Beach County Chapter, various committees of the Palm Beach County Bar Association, and the Consumer Protection and Grievance Committees of The Florida Bar. Sarah frequently speaks at consumer protection seminars and prior to her appointment, served as a Volunteer Advocate for the Commission on Ethics.

COMMISSION STAFF

MARK E. BANNON, EXECUTIVE DIRECTOR

Mark Bannon was selected as the third Executive Director for the Palm Beach County Commission on Ethics (COE) in December 2015, having been a member of COE staff since 2010. Prior to his selection, he had served the COE as an Investigator, Senior Investigator, Interim Staff Counsel and Interim Executive Director.



A U.S Army veteran, Mr. Bannon spent nearly 25 years serving as a deputy sheriff, supervisor and Commander with the Palm Beach County Sheriff's Office where he worked in patrol, investigative and community support assignments before retiring from policing in 2005.

He is a graduate of Florida Atlantic University, and holds a Master of Public Administration degree from Nova Southeastern University. Mr. Bannon attended law school at the University of Miami, and was admitted to the Florida Bar in 2005. He is also a former Assistant State Attorney who prosecuted criminal cases in the 15th Judicial Circuit.

Mr. Bannon authored a book on criminal procedure for law enforcement officers, which was published in 2003 and he has taught criminal justice courses to graduate and undergraduate students at both Palm Beach State College and South University. He brings a very unique blend of law enforcement and legal education and experience to the Commission, and to the role of Executive Director.

GINA A. LEVESQUE, INTAKE AND COMPLIANCE MANAGER

Ms. Levesque has been employed with the Palm Beach County Commission of Ethics (COE) for over five years and has worked with all three executive directors. Having been with the COE since inception, her position has evolved from Administrative Assistant to Executive Assistant to Intake Manager and is currently Intake and Compliance Manager.



A former certified law enforcement officer and corrections officer, she worked for the Broward County Sheriff's Office and the Lauderhill Police Department for several years. In addition to her law enforcement experience, Ms. Levesque served as a legal assistant in the Office of the State Attorney, 15th Judicial Circuit from 1999-2010. Her duties included victim/witness coordination, expungement processing, attorney/witness travel facilitation, case file management and maintaining trial statistics.

Ms. Levesque attended college at Southern Illinois University at Edwardsville on a softball scholarship and still holds several team records. She graduated with a degree in education in 1988.

CHRISTIE E. KELLEY, STAFF COUNSEL

Ms. Kelley is a former Assistant State Attorney in Florida's Fifth Judicial Circuit. Prior to joining the Commission on Ethics, Ms. Kelley also served as Assistant Director in the Center for Career Development at the University of Florida Levin College of Law, where she focused on advising students interested in government or public interest careers and oversaw the pro bono, public interest, and community service programs.



Ms. Kelley is a member of the Florida Bar. She earned her B.A. in Business Administration (summa cum laude) from the University of Florida and her J.D. from the University of Florida Levin College of Law (cum laude).

ANTHONY C. BENNETT, INVESTIGATOR

Joining the Commission in July of 2013, Anthony C. Bennett comes from a background that expands through both the public and private sectors.



Anthony spent 15 years serving the citizens of Broward County, Florida, while employed with the Broward County Sheriff's Office, rising through several ranks within the agency from Deputy Sheriff to eventually becoming the Executive Officer/Ombudsman to the Executive Director of the BSO's Detention and Community Control Divisions, before leaving public service for private sector employment. Anthony held an Executive level position as the Director of Corporate Security for an infrastructure company based in Washington D.C., and is a proud United States Army veteran, previously serving on active duty during the time of the first Gulf War, Operation Desert Storm.

Anthony holds a Bachelor's Degree in Criminal Justice from Lynn University (Boca Raton, FL), is a graduate of the University of Louisville's Southern Police Institute Command Officers' Development Program, Nova Southeastern University's Executive Leadership Program, and is also a graduate of the United States Army Rehabilitation Training Instructor Course (Fort McClellan, AL). Anthony holds active State of Florida certifications in both Law Enforcement and Corrections.

EDUCATION

One of the COE's critical responsibilities is to inform county and municipal employees, officials, persons with or seeking government contracts, lobbyists, and the public about the ethical standards expected by the Code of Ethics and related ordinances. COE staff also endeavors to keep the commissioners educated as to their particular duties and responsibilities under the Ordinances.

COMMISSIONER TRAINING

Commissioners receive six hours of training, which include a comprehensive review of all ordinances, rules and procedures, investigative overview, advisory opinions, quasi-judicial functions, best practices during final hearings, and the Sunshine Law. Staff is continually available to update commissioner training, answer questions, and provide resource materials.

EMPLOYEE AND OFFICIAL TRAINING

Ethics training is required for all county and municipal elected officials, employees, contract employees, volunteer officials, and advisory board members. The COE and its staff seek to be proactive at all times in its outreach efforts and its relationship with the community in order to increase citizen understanding and participation in government accountability efforts.

In 2015, COE staff conducted in-person, on-site trainings to County and municipal employees, officials, and advisory board members. The training is also available on DVD, through internet streaming from the COE's website and on YouTube. The timeframe for re-training and the method of training continue to be determined by each municipality and agency under the COE's jurisdiction.

TRAINING COMPLIANCE REVIEWS

Staff completed 21 training compliance reviews in 2015. Four entities were not in compliance with the retraining requirement. Staff continues to work with the county and the municipalities to assist administrators with their mandatory training schedule policies for all public officials and employees.

WEB-BASED TRAINING

In addition to the employee and official training programs provided by COE staff, an interactive online quiz is available online. The Ethics Quiz addresses fifteen of the most frequently asked questions on the Code of Ethics.

OTHER TRAINING AND OUTREACH EFFORTS

COE staff issues a quarterly newsletter which is posted online and sent to the County and the municipalities for distribution to employees and officials. The newsletter contains various topics of interest and current information about recent advisory opinion and complaints.

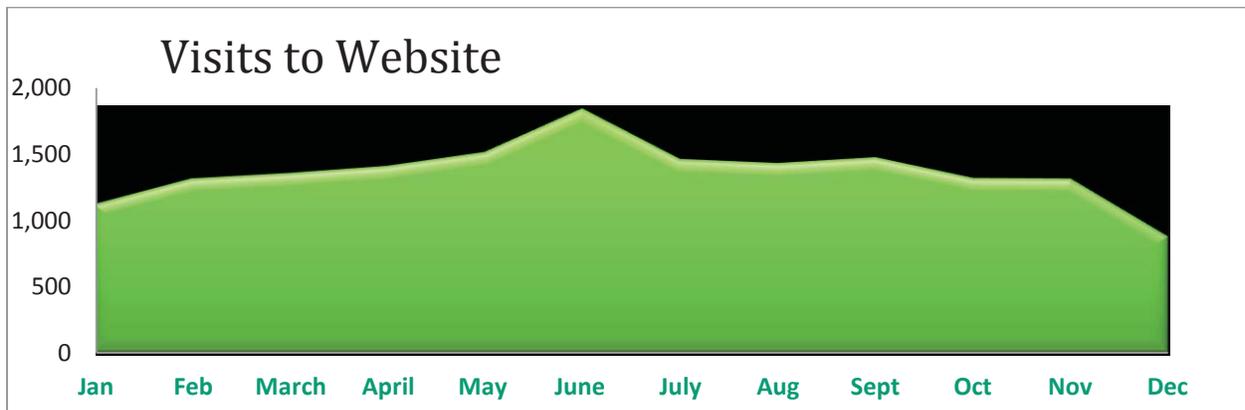
SOCIAL MEDIA

With pages on Facebook and Twitter, the public can access the COE through familiar media sites. In this way, the general public can stay up to date with recent COE decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the COE on Twitter at @PBCCOE or visit us on Facebook at www.facebook.com/PBCCOE.

WEBSITE

The COE website continues to employ a user-friendly format with improved capabilities and graphics, including a Most Requested Links tab. An e-book, designed to provide an interactive guide to the functions of the COE is prominently placed on the main page. The website format is compatible with wireless technology, tablets, and mobile devices.

With more than 15,000 visits to the website in 2015, the site is designed to enhance transparency, outreach efforts, and provide public access to all relevant forms, documents, databases, advisory opinions, and investigations.



MULTIMEDIA

Video of COE meetings, drafting committee meetings, and channel 20 programming can be found on the Meetings page.

ADVISORY OPINIONS

Advisory opinions are searchable by year, subject matter, and text search. All of the existing advisory opinions include a brief synopsis of the issue and the COE's decision for each opinion.

Palm Beach County Commission on Ethics

Advisory Opinion Search

Article V. Division 8. Sec. 2-260.9 of the Palm Beach Commission on Ethics Ordinance provides that employees, officials, lobbyists and vendors within the jurisdiction of the commission, when in doubt about the applicability or interpretation of the ethics codes and ordinances to himself or herself in a particular instance, may submit the facts of the situation to the COE with a request for an advisory opinion to advise them of the standard of duty, if any, that applies to their situation. All opinions will be posted to this website following each meeting.

Opinion Number:

Opinion Year:

Subject Topic:

Text Search:

- <- Select from here -->
- ADVISORY BOARD WAIVER
- CHARITABLE SOLICITATION/FUNDRAISING
- CONE OF SILENCE
- CONTRACTUAL RELATIONSHIPS
- EMPLOYEE DISCOUNT
- GIFT LAW
- JURISDICTION OF THE COE
- LOBBYIST REGISTRATION ORDINANCE
- MISUSE OF OFFICE OR EMPLOYMENT
- NEPOTISM
- OUTSIDE EMPLOYMENT
- PENSION PLAN - EMPLOYEES/OFFICIALS
- POLITICAL FUNDRAISING/CONTRIBUTIONS
- POST-EMPLOYMENT ORDINANCE
- TRAVEL EXPENSES
- VOTING CONFLICT
- WITHDRAWN

[Home](#) | [Commission](#) | [Ethics Search](#) | [Application Menu](#) | [Help](#)

COMPLAINTS

All investigative materials, reports and audio files of sworn complaints referred to the COE are available for review under the Databases tab on the left side of the main page.

TRAINING

COE staff allows municipal and county employees and officials to complete their required training in-person, via streaming video, or on a DVD.

Under the Training & Education tab on the COE's website, there is a full text copy of the Code of Ethics and plain language guides for public employees and advisory board members. These trainings and guides are available not only to officials and employees but also to members of the public who are interested in learning more about the Code of Ethics and its real world application. Ongoing Code of Ethics training is mandatory for all public officials and employees. Most jurisdictions require ethics training every one, two, or three years.

SEARCHABLE DATABASES

The COE's website currently maintains gift reporting, outside employment, and voting conflicts databases. This feature allows the public to view employee and official filings with the COE. Advisory opinions are searchable through a tab on the upper right side of the main page.



Palm Beach County Commission on Ethics

Please click on one of the following links to search Ethics documents.

[Gift Documents](#)

[Outside Employment Waiver Documents](#)

[Voting Conflict Documents](#)

[Advisory Opinion Documents](#)

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OTHER INFORMATION

Serving as a gateway to information on ethics both locally and nationwide, the COE website provides users with access and links to the Palm Beach County Inspector General, the State Attorney's Office, the Advisory Opinion database, Palm Beach County lobbyist registration database, and county vendor database. The public, employees, and officials will always be able to access up to date information on the Code of Ethics, applicable forms and other resources on our site, including frequently asked questions.

ADVISORY OPINIONS: ASK FIRST, ACT LATER

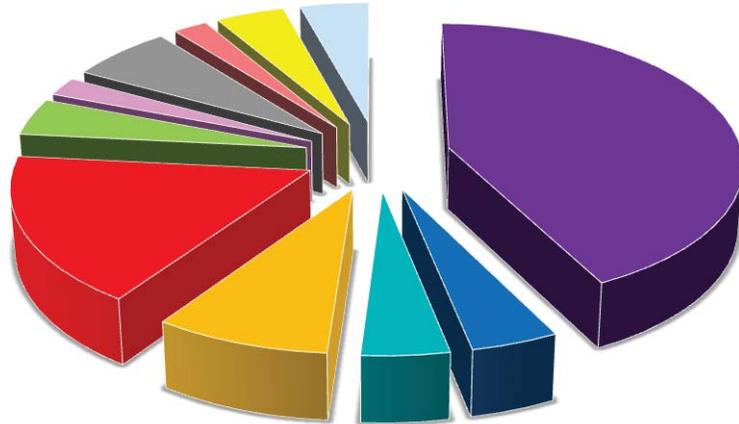
In 2015, the COE issued 49 advisory opinions. Advisory opinions are designed to assist employees, officials and advisory board members and any other persons or entities subject to the Code of Ethics, Lobbyist Registration Ordinance, or Post-Employment Ordinance in understanding their obligations under the codes. When in doubt about the applicability or interpretation of the Code of Ethics, employees, officials, and advisory board members may submit the facts of their particular situation to the COE in writing and request an advisory opinion. Each opinion is based upon the specific facts and circumstances associated with that opinion. If you have a question, please ask commission staff to prepare an advisory opinion. As long as the facts submitted to the COE are complete and accurate, the requesting party may rely on the commission's response.

Copies of every advisory opinion issued since the COE's establishment are available in PDF format on the website. They are indexed by subject matter and by year, and they are searchable by clicking on the Google search bar available at the top of each page.

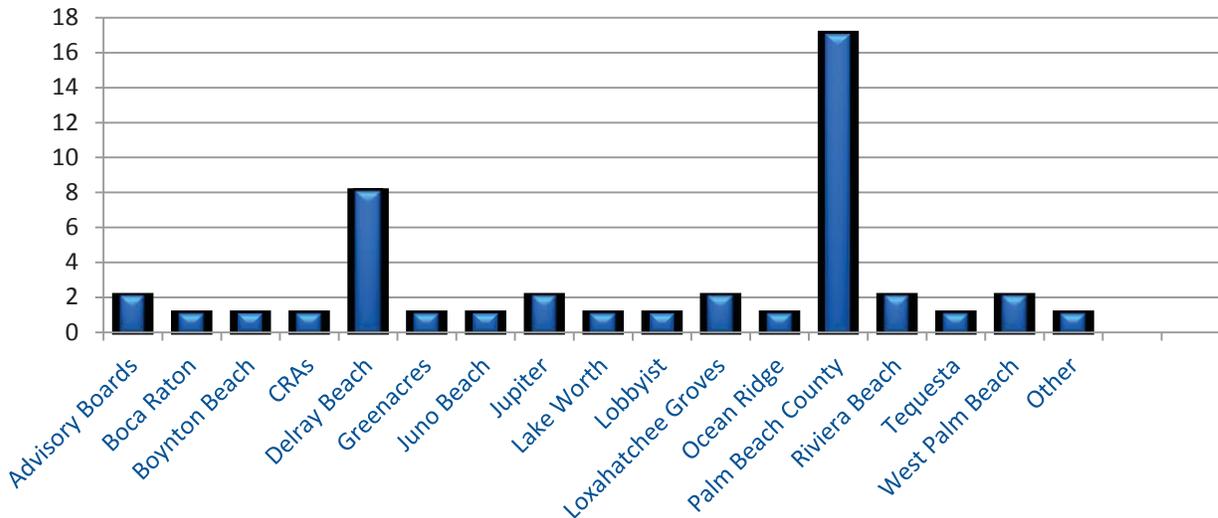
As may be seen below, questions on voting conflicts, gift law, and conflict of interest were the most common.

Advisory Opinions By Subject Matter

- Conflict of Interest/Misuse of Office
- Charitable Solicitation
- Lobbyist Registration Ordinance
- Contractual Relationships
- Gift Law
- Jurisdiction of the COE
- Nepotism
- Outside Employment
- Post-Employment Ordinance
- Voting Conflicts
- Travel Expenses



Advisory Opinions by Entity



SUMMARIES OF NOTABLE 2015 ADVISORY OPINIONS

The Code of Ethics is a 12-page document that does not account for every possible scenario or situation but provides overall guidance to employees, officials, government vendors, lobbyists, and their principals. Accordingly, the COE must interpret the words of the Code of Ethics and offer common sense advice to those subject to its jurisdiction. The following summaries are based upon actual advice given in the form of advisory opinions issued by the COE during 2015. They are included here for educational purposes only.

These summaries are not intended as legal advice.¹ Each opinion is based upon the specific facts and circumstances associated with that opinion. COE staff routinely refers local officials, employees, vendors, lobbyists, members of the public, and the media to referrals to prior opinions when the issues involve settled general interpretation of the Code of Ethics. In 2015, COE staff handled 149 advisory opinion requests by referring the requesting party to prior COE opinions.

MISUSE OF OFFICE

The Code of Ethics prohibits employees, officials, and advisory board members from using their position to give a *special financial benefit*, not shared with *similarly situated members of the general public*, to 1) themselves; 2) a household member, spouse or domestic partner or their outside business or employer; 3) certain relatives or their outside business or employer; 4) their outside employer or business or someone who they know works for that business; 5) a customer or client of their outside employer or business (\$10,000 in goods or services over the preceding 24 months); 6) a debtor or creditor of an employee or official (at least \$10,000, not including financial institutions); 7) a non-profit organization where the employee or official serves as an officer or director. A *financial benefit* is anything of value. *Similarly situated* means that everyone in the class of persons or entities affected by a decision benefits in the same way.

Question: Would a City employee have a prohibited conflict of interest if he assists his mother in entering into an arrangement with AKA Services, Inc. for use of his mother's property to store equipment and materials for a City neighborhood improvement project in exchange for tree removal services and restoration of the property when the project is completed? The contractor and project manager chose the property on their own. They were not approached by the City employee, and the City employee did not use his official position to arrange this opportunity for his mother. The property was selected solely because it was at a convenient location and was already being used by another company for storage. **RQO 15-022**

Answer: If the City employee assists his mother in entering into an arrangement with AKA Services, Inc., he will not be using his official position to give a special financial benefit to himself or his mother, and a prohibited conflict of interest would not exist for him. In addition, the City employee would not violate the Code's contractual relationship prohibition because, under these facts, he would not be entering into a contract with the City. His mother would be entering into an agreement with AKA Services, Inc. for the temporary use of her property in exchange for tree removal services and restoration of the property when the project is completed.

Question: Does the Code prohibit an elected official from using his official title as Vice Mayor of the Town of Jupiter on an organization's list of sponsors? **RQO 15-008**

Answer: As long as he is using his official title for identification purposes and not in an attempt to gain a special benefit, he is not prohibited from using his official title on the event's sponsor list.

VOTING CONFLICTS

Section 2-443(c), voting conflicts, addresses the scenario where, by participating or voting on an issue, an elected official would violate the misuse of office section of the code by giving a special benefit to one of the prohibited persons or entities listed under §2-443(a). In such a scenario, officials and advisory board members must 1) disclose the nature of his or her conflict before their board discusses the issue; 2) abstain

¹To the extent that these summaries differ from the language of the original advisory opinion or ordinance, the language in the ordinance and opinion controls.

from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (8B), submitting a copy to the recording clerk and the Palm Beach County COE.

Question: Is "participating" in a matter by an elected official who has a voting conflict concerning that matter a violation of the Palm Beach County Code of Ethics (Code), even though the official abstained from voting? **RQO 15-029**

Answer: Participation in a matter by an elected official who has a voting conflict concerning that matter is a violation of Sec. 2-443(c), even if the official abstained from voting. Under the Code, an elected official is prohibited from participating in any matter which would give a special financial benefit to any of the persons or entities specified in Sec. 2-443(a)(1-7), even if the official abstains from voting on the matter.

CONTRACTUAL RELATIONSHIPS

The contractual relationships provisions control contracts that a public employee or official may have in their private capacity which could conflict with their public duties. Generally, the Code of Ethics prohibits an employee or official from entering into any contract or other transaction to provide goods or services to the public entity they serve. This includes any contract between a municipality or the county and an employee or official, the outside business or employer of an employee or official or any business an employee or an official may own (minimum 5 percent of the business' assets). There are several exceptions that may apply.

Question: Would a prohibited conflict of interest exist for a City of Delray Beach employee, if her husband's business sells saw blades to the City's Fire Rescue Department? **RQO 15-021**

Answer: Her husband's business may only sell saw blades to the City if an exception to the contractual relationship prohibition applies. Here, since her husband's business is the sole source of his trademarked blade, the sole source exception applies to that product, and a conflict of interest would not exist if his business sells that product to the City. The Code also provides exceptions for contracts or transactions for less than \$500 per calendar year and for contracts awarded under a system of sealed, competitive bidding, where the lowest bidder is selected.

GIFTS

The Code of Ethics prohibits employees, officials and advisory board members from accepting anything of value in exchange for the past, present, or future performance of their job. This includes thank you gifts or tips for an official public action or legal duty performed, withheld, or violated. Employees and officials are prohibited from soliciting gifts of any value from someone they know to be a vendor, lobbyist, or principal of a lobbyist who sells, leases or lobbies their governmental entity for their personal financial benefit, the benefit of a relative or household member, or another employee. Over the course of the calendar year, employees and officials may not solicit or accept gifts worth more than \$100 in the aggregate from a person they know or reasonably should know to be a vendor or lobbyist of their public employer. Gifts in excess of \$100 that are not prohibited are reportable unless one of several exceptions applies.

Question: If a non-profit organization invites an elected official to attend its event, is he allowed to accept the complimentary admission and attend in his official capacity as Town Councilman, or does he need to purchase a ticket to attend the event? **RQO 15-003**

Answer: He is not prohibited from accepting complimentary admission to the event if the non-profit organization does not employ a lobbyist and the ticket is given to you by a representative of the non-profit organization who is not a lobbyist, vendor, or principal or employer of a lobbyist. As an

elected official, he is a state reporting individual and must comply with the requirements of state law. If the value of the ticket to the event exceeds \$100, he must report the value in accordance with state law and send a copy of any required submission to the COE.

Question: Does the Code prohibit City of Greenacres (City) employees from being recognized for being instrumental in championing program quality and accepting a monetary award from a non-profit organization who is neither a vendor nor lobbyist of the City? *RQO 15-046*

Answer: The Code does not prohibit the City employees from accepting an award for professional or civic achievement, even where such an award is monetary. Since the employees who will be receiving the awards appear to be non-state reporting individual and the award for professional achievement is an exception to the definition of a gift, the City employees are not required to report the award to the COE.

LOBBYISTS AND LOBBYING

A lobbyist is defined as someone who is paid to lobby on behalf of a principal. A lobbyist can be an outside contractor or an employee whose principal responsibility is lobbying government on behalf of their employer. The Code of Ethics defines lobbying as seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of an official or employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board or governing body. The Code of Ethics prohibits lobbyists from giving gifts in excess of \$100 to a person the lobbyist knows is an elected official or advisory board member of the county or municipality they are lobbying. Moreover, lobbyists engaged in lobbying activities are required to register pursuant to the Countywide Lobbyist Registration Ordinance. Under the Lobbyist Registration Ordinance, all oral communication between any person seeking the award of a competitive solicitation and county or municipal elected officials or their staff or any employee authorized to act on behalf of the county or the municipal governing body is prohibited.

Question: The attorney for the Board of Trustees of the City of Boca Raton Pension Plan for Police and Firefighters (BRPFERS) asked if the cone of silence provisions of the Lobbyist Registration Ordinance applies to the BRPFERS while they soliciting and evaluating bids for an investment consultant. *RQO 15-036*

Answer: The trustees of the BRPFERS are not subject to the cone of silence provisions while they are soliciting and evaluating bids for an investment consultant because the BRPFERS trustees are not county or municipal elected officials. Furthermore, the provisions of the cone of silence do not apply to oral communication that occurs on the record at a public meeting. Therefore, even if the trustees were subject to the cone of silence provisions, since the due diligence interviews will be broadcasted with live audio and visual feed during a publicly noticed BRPFERS workshop, the cone of silence requirement would not apply.

CHARITABLE SOLICITATION

The Code of Ethics prohibits an official from using his or her official position to give a special financial benefit to a non-profit organization if they are an officer or director of that organization. Therefore, solicitation of charitable donations made on behalf of a non-profit organization by an officer or director in one's official capacity, for example Commissioner or Police Chief, is *per se* a violation of section 2-443(a)(7), *misuse of office*, of the Code of Ethics. In order for an official to use their official title to solicit donations on

behalf of the non-profit they serve, they must resign their position with the charity. Public officials and employees may not solicit or accept anything of value because of the performance of an official act, or the past, present or future performance or violation of a legal duty. Nor may they solicit a gift of *any value* from a vendor, lobbyist, principal or employer or a lobbyist who sells, leases or lobbies the municipality they serve for their own personal benefit, the benefit of their relatives or household members or the benefit of another employee. If a public official or employee solicits on behalf of a charitable organization recognized under the Internal Revenue Code, the official or employee must maintain a log of any solicitation in excess of \$100 from vendors, lobbyists, principals or employers of lobbyists and submit the log to the Palm Beach County COE within 30 days of the event, or if no event, within 30 days of the solicitation.

Question: May the City of Delray Beach Fire Department solicit donations from vendors of the City of Delray Beach to raise money for teams to compete in several Advanced Life Support (ALS) competitions and one Rapid Intervention Team (RIT) competition?
RQO 15-009

Answer: As long as the ALS and RIT training competitions are determined by the Fire Department administration or by the City Council to have a public purpose, the City Fire Department is not prohibited from soliciting and accepting donations from City vendors using City resources or staff in excess of \$100, annually in the aggregate, to raise funds for the teams to attend the training competitions.

COMPLAINTS

STATISTICAL SUMMARY OF COMPLAINTS FILED JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

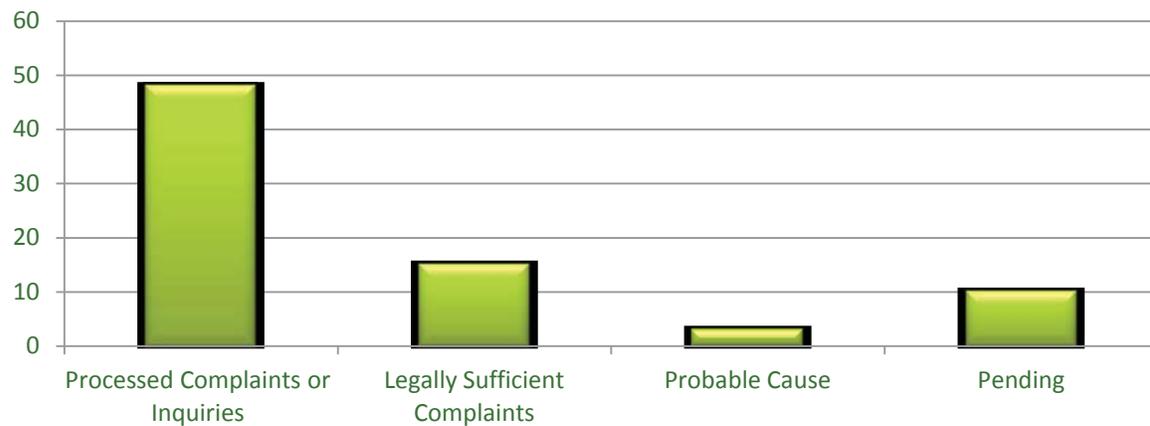
The COE received 16 sworn complaints and self-initiated 14 complaints in 2015. There were 5 sworn complaints dismissed for lack of legal sufficiency, 22 complaints found to be legally sufficient and 3 pending a legal sufficiency determination. Of the 22 cases found to be legally sufficient, 12 cases are still pending a probable cause determination, 8 were dismissed at probable cause hearings, 1 case resulted in a letter of instruction and was dismissed, 3 cases resulted in a settlement agreement, and 2 cases are being held in abeyance pending the disposition of criminal charges.

In addition, staff opened inquiries into 32 matters based upon information received other than by formal complaint. Of these inquiries, 13 were closed as not legally sufficient, 5 lobbyists were suspended by the county, 10 became the basis for self-initiated complaints, and 5 inquiries are ongoing. In 2015, COE staff fielded approximately 783 calls on the COE Hotline (1-877-766-5920), 114 calls were referred to another agency, and 9 calls resulted in an inquiry or investigation.

Subject Matter of Complaints

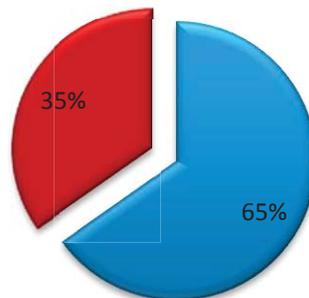


Complaint and Inquiry Disposition



Complaint and Inquiry Origination

■ Municipalities ■ County

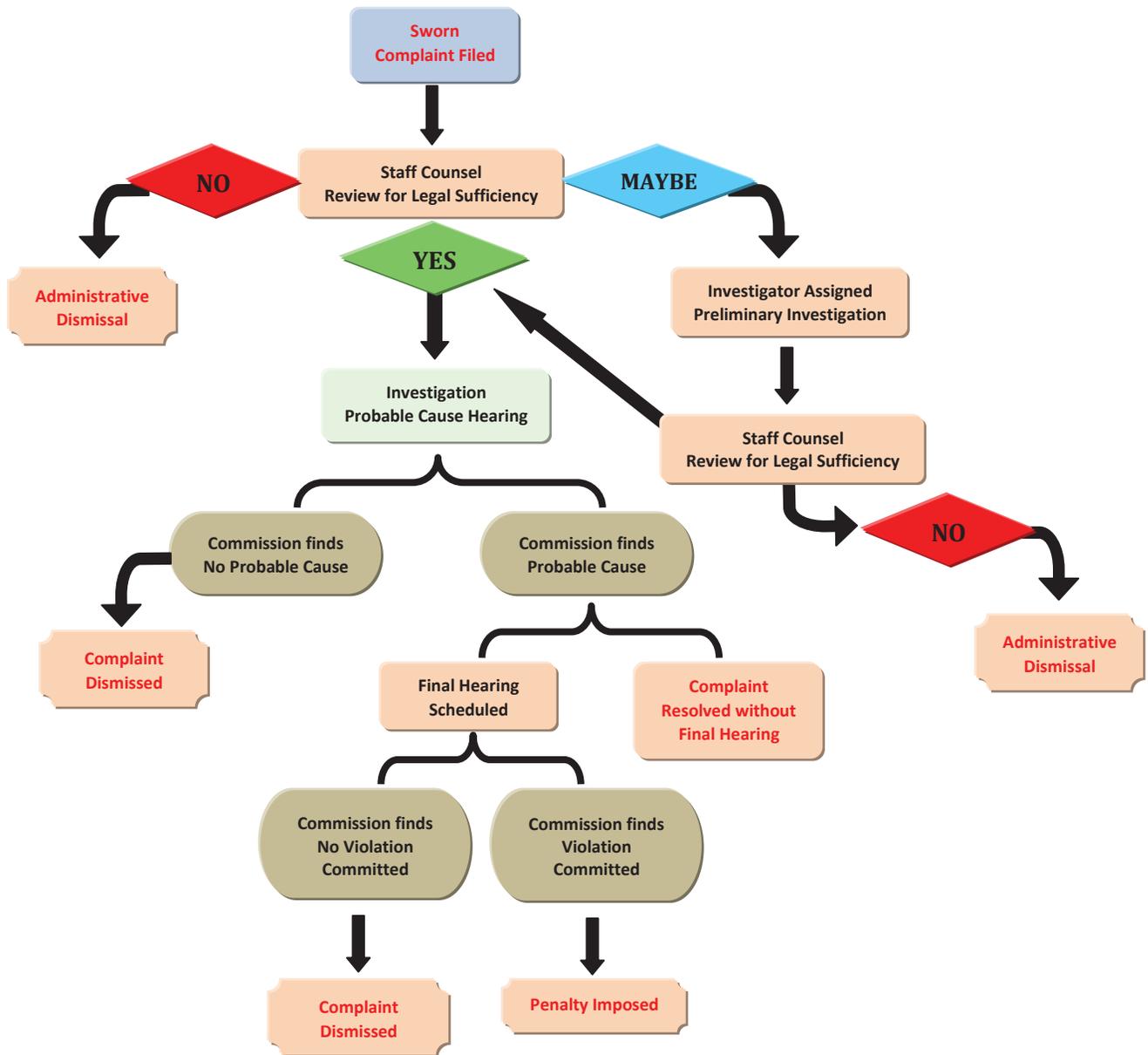


THE COMPLAINT PROCESS

Any person may file a complaint with the COE by submitting a written notarized complaint executed on an approved form available by mail or on our website (www.palmbeachcountyethics.com). The complaint must allege a violation of the code of ethics, lobbyist registration or post-employment ordinance, be based substantially upon personal knowledge and be signed under oath or affirmation by the complaining person. The commission maintains a searchable library of all public reports and final orders regarding the disposition of all sworn complaints. You may request a copy of a complaint form or visit our website.

In addition, citizens can leave information and tips anonymously on the COE's hotline at 877-766-5920 or by email to ethics@palmbeachcountyethics.com. If you chose to remain anonymous, you must be sure to provide specific, detailed information that will allow investigators to determine the identity of persons may have personal knowledge of the alleged violation, as well as any available documentary evidence of a violation, or where such documents may be located.

COMPLAINT PROCESS DIAGRAM



FISCAL REPORT

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for COE operations. For fiscal year 2014-2015, the COE Budget was moved to the General Fund.

The COE expended \$532,888 of the budgeted \$577,753. Thus, \$43,681 was unspent. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget, www.pbcgov/ofmb.

LEGISLATIVE ACTIVITIES AND INITIATIVES

The COE is charged with reviewing statutes and ordinances relating to ethics in government and making policy recommendations to the Board of County Commissioners.

During 2015, the best practices of the COE have been debated and reviewed. The Palm Beach County Board of County Commissioners set up drafting committees to review and amend specified sections of the Palm Beach County Commission on Ethics Ordinance and the Palm Beach County Code of Ethics. The drafting committee took a common sense approach in amending the ordinance while strengthening the core requirements necessary for compliance, transparency, and accountability of those who work for government. The drafting committee amended the Commission on Ethics Ordinance to allow a respondent in an enforcement case to have his or her hearing conducted by a hearing officer instead of the Commission on Ethics. This proposed change is based on a recommendation by OPPAGA as part of its final report concerning Commission on Ethics operations. The drafting committee also amended the Code of Ethics to require those persons who file state-required gift reports to contemporaneously file a copy of that report with the Palm Beach County Commission on Ethics.

2016 PROJECTS

Anticipated Start	Anticipated Finish	Description	Expected Results
1 st Quarter	4 th Quarter	Revise ethics training to offer new and updated ethics scenarios and information	Deliver the most effective training
1 st Quarter	4 th Quarter	Gather and analyze data from existing performance metrics. Establish a formal performance measurement plan	Use results to improve operations
1 st Quarter	4 th Quarter	Continue to update and improve COE Website	Maintain best possible information portal for public use

PalmBeachCountyEthics.com

HOTLINE:

(877) 766-5920

