

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

JANUARY 12, 2017

**THURSDAY
1:31 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER**
- II. ROLL CALL**

MEMBERS:

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

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Chair Michael Kridel stated that two separate COE meetings would take place today.

IV. APPROVAL OF MINUTES FROM NOVEMBER 3, 2016

MOTION to approve the November 3, 2016, minutes. Motion by Judy Pierman, seconded by Michael Loffredo, and carried 4-0. Clevis Headley absent.

V. APPROVAL OF MINUTES FROM DECEMBER 8, 2016

MOTION to approve the December 8, 2016, minutes. Motion by Michael Loffredo, seconded by Sarah Shullman, and carried 4-0. Clevis Headley absent.

VI. EXECUTIVE SESSION – C16-011 – Postponed

VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VII.a. Page 3

VII.b. RQO 16-030

VIII. ITEMS PULLED FROM CONSENT AGENDA

VIII.a. RQO 16-030

PUBLIC COMMENT: John Randolph.

Christie Kelley, Esq., COE General Counsel, said that:

- Misuse of public office or employment under Section 2-443(a)(7) of the Palm Beach County Code of Ethics (Code) included someone who was an officer or director of a charitable nonprofit organization.
- If Matthew Smith was not an officer or director of the Palm Beach Friends of Recreation (PBFR), then Section 2-443(a)(1) through (7) would not apply.
- Section 2-443(c) would prohibit Mr. Smith from participating in, or voting on, any matter that had a special financial benefit for anyone described in Section 20443(a)(1) through (7).
- Mr. Smith should analyze every PBFR matter that came before him as a member of the Town of Palm Beach's Recreation Advisory Commission (RAC) to determine if PBFR would get a special financial benefit.

VIII.a. – CONTINUED

- The COE could issue an advisory opinion letter to Mr. Smith if a PBFR matter was coming before RAC.

Mark Bannon, COE Executive Director, explained that:

- Mr. Smith held two separate positions by being a member of RAC and PBFR.
- Mr. Smith could continue his RAC duties; however, when questions were asked or votes were taken on PBFR matters, he could not participate if it financially benefited PBFR.
- When soliciting for PBFR funds, Mr. Smith could not personally use his RAC title or use his RAC title on letterhead.
- RQO 16-030 did not address a prohibition against Mr. Smith soliciting PBFR funds from anyone who had a pending application before the Palm Beach Town Council (Council).

Ms. Kelley clarified that when soliciting PBFR funds, Mr. Smith should ask whether someone was a lobbyist or had a pending application with the Council.

MOTION to approve consent agenda item RQO 16-030. Motion by Judy Pierman, seconded by Sarah Shullman, and carried 4-0. Clevis Headley absent.

VII.a. Request for Opinion (RQO) 16-029

MOTION to approve consent agenda item RQO 16-029. Motion by Judy Pierman, seconded by Sarah Shullman, and carried 4-0. Clevis Headley absent.

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IX. PROPOSED ADVISORY OPINIONS

IX.a. RQO 16-028

Ms. Kelley stated that:

- The Village of Wellington (Village) attorney asked whether a Wellington councilman was prohibited from participating in, and voting on, a special-use permit application that was being presented by the Wantman Group, a client of the councilman's outside employer, on behalf of a property owner.
- Staff submitted that:
 - Any potential special financial benefit would be remote and speculative.
 - Voting on the permit application had no direct or immediate impact on giving the Wantman Group a special financial benefit; therefore, the councilman was not prohibited from voting on the matter.
 - No conflict of interest or Code violation existed, but staff believed that there was an appearance of impropriety whenever the Wantman Group or any other client of the councilman's outside employer appeared before the Village Council.
- In an unrelated advisory opinion, the Wantman Group could have received a special financial benefit based on a vote to perform engineering work.

Mr. Bannon clarified that the councilman was not required to complete a disclosure form because no financial conflict of interest existed; however, the Village may require disclosure even without a financial benefit.

Commissioner Sarah Shullman suggested adding language that any councilperson facing a similar situation should ensure that local code requirements regarding conflicts of interest were met.

Ms. Kelley clarified that "appearance of impropriety" language appeared in past advisory opinion letters when staff believed that it existed.

Mayor Kridel suggested adding the word, "may" to the sentence reading: "there exists an 'appearance of impropriety.'"

IX.a. – CONTINUED

Mr. Bannon said that he believed that an individual's title and/or name, as opposed to just a title, was used in past advisory opinion letters. He added that advisory opinion letters were meant for general application; however, RQO 16-028 applied to a specific councilmember.

MOTION to approve advisory opinion letter RQO 16-028 as amended to include the change as discussed. Motion by Sarah Shullman, seconded by Judy Pierman, and carried 4-0. Clevis Headley absent.

X. EXECUTIVE DIRECTOR COMMENTS

X.A.

DISCUSSED: Ethics Training Video/DVDs, COE Annual Report, and C13-006.

Mr. Bannon stated that new ethics training video was uploaded to the COE Web site in December 2016 and that the DVDs were being created. He noted that the COE 2016 annual report would not be presented until February 2017 and that the C13-006 prehearing conference would be held after today's meeting adjourned.

XI. COMMISSION COMMENTS – None

XII. PUBLIC COMMENTS – None

XIII. ADJOURNMENT

At 2:07 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair