

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

FEBRUARY 4, 2021

**THURSDAY
1:30 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 – Absent
Michael H. Kugler
Rodney G. Romano – Arrived later

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:

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

III. INTRODUCTORY REMARKS

Chair Peter Cruise offered condolences to Commissioner Carol DeGraffenreidt on her brother's passing.

IV. APPROVAL OF MINUTES FROM JANUARY 7, 2021

MOTION to approve the January 7, 2021 minutes. Motion by Michael Kridel, seconded by Michael Kugler, and carried 3-0. Carol DeGraffenreidt and Rodney Romano absent.

V. ANNUAL REPORT

Mark Bannon, COE Executive Director, said that:

- The COE was in its 11th year of administering and enforcing the County's Code of Ethics (Code), the lobbyist registration ordinance, and the postemployment ordinance.
- The COE's mission statement was to foster integrity in public service, to promote the public's trust and confidence in that service, and to prevent conflicts of interest between private interests and public duties.
- The COE's organization chart has only changed once when a new investigator was added.
- In 2020, the COE's website had 26,100 page views with 11,300 being unique users who did not return to the site.

(CLERK'S NOTE: Rodney Romano joined the meeting.)

- The main page and the training page contained the most views.
- The COE's advisory opinions were searchable by year, subject matter, and a text search.
 - The webpage contained a brief synopsis of each opinion.
 - In 2020, 11 advisory opinions were issued.
 - The average time from the request for an advisory opinion until the proposed written opinion was 12 days.
- 469 advisory opinions were issued since the COE's inception.
 - Opinions mostly involved conflicts of interest, misuse of office laws, and voting conflicts.
 - Few opinions involved the postemployment ordinance.
 - Opinions were steadily decreasing because most of the issues involving the 469 opinions were probably already covered.
- Complaints mostly involved misuse of office, voting conflicts, and corrupt misuse.

- The 3 complaint types were interrelated in Section 2-443 of the Code.
- Anyone could file a complaint, but it must be made under oath and substantially based on personal knowledge of the Complainant.
- Unlike the State COE, complaints could be filed by the COE executive director if it was determined that the incident was credible and could lead to a violation.
- All documents, interviews, and other investigative materials relating to a formal complaint were contained on the COE's website except inquiries.
 - Inquiries were considered public records but for brevity were not included on the website.
- In 2020, 1 new self-initiated complaint and 3 complaints from individuals were opened.
 - 1 complaint was administratively dismissed by the COE executive director; 1 was dismissed with a letter of instruction, and 1 was pending.
 - 6 complaints remained open from 2019, and 1 remained open from 2018.
- In 2020, 8 inquiries were opened.
 - 5 inquiries were found to have no legal sufficiency, and 3 were pending.
 - 6 inquiries were still pending from 2019.
- In 2020, 775 referral calls were received.
 - Many of the calls were referred to another agency, some were general questions, and 1 resulted in an inquiry initiation.
- 80 email requests were received, and 45 individuals were sent prior opinions regarding their issues or concerns.
- The COE operated under budget for 10 consecutive years.
 - \$15,638 was returned to the County's general fund.

- A 2021 project to create 5-minute video clips about the Code's most frequently asked questions was postponed.
 - COVID-19 caused some issues, and the COE was reviewing Code changes.
 - Staff continued to gather and analyze data from existing performance metrics and to update and improve the COE's website.

Responding to questions, Mr. Bannon said that:

- In 2020, 5 complaints came from the Office of Inspector General (OIG).
- Staff also submitted complaints to the OIG once policy issues were determined.

VI. EXECUTIVE DIRECTOR COMMENTS

VI.a.

DISCUSSED: Condolences.

Mr. Bannon offered his condolences to Commissioner DeGraffenreidt.

VI.b.

DISCUSSED: COE Revision Committee (Committee).

Mr. Bannon said that:

- The Committee would hold its initial meeting on Thursday, February 25, 2021, at 10:00 a.m. in the McEaddy Conference Room on the 12th floor of the Governmental Center.
- The documents would be sent to the BCC for adoption once the final versions of the Code, the COE ordinance, and the lobbyist registration ordinance were reviewed and adopted by the Committee.

VI.c.

DISCUSSED: Town of West Lake (West Lake).

Mr. Bannon said that on January 11, 2021, West Lake voted for and signed a 3-year agreement to be included under the COE's jurisdiction. He added that the BCC approved the 3-year agreement on February 2, 2021 and that the COE now had jurisdiction over all 39 municipalities.

VI.d.

DISCUSSED: National High School Ethics Bowl (Bowl).

Mr. Bannon said that he, Chair Cruise, and Vice Chair Michael Kridel participated in the Bowl held remotely on February 1, 2021. He congratulated the Oxbridge Academy's Team 1 for being the overall winning team, as well as all participants and students.

VI.e.

DISCUSSED: Lynn Hubbard Hearing and David DeMarois Case.

Mr. Bannon said that the Lynn Hubbard hearing was continued to April 7 and 8, 2021. He added that the David DeMarois case settled and that he accepted a Letter of Reprimand and paid a \$100 fine.

VII. COMMISSION COMMENTS

VII.a.

DISCUSSED: Condolences and Recognition.

Commissioner Michael Kugler offered his condolences to Commissioner DeGraffenreidt and her family, and he recognized the loss of 2 FBI agents in Broward County.

VII.b.

DISCUSSED: Commendation.

Chair Cruise commended Mr. Bannon and his staff on the COE's annual report.

VIII. PUBLIC COMMENTS

VIII.a.

DISCUSSED: Commendation.

Richard Radcliffe, Executive Director of the Palm Beach County League of Cities commended everyone for their work on the COE's annual report. He added that the county was the epicenter of progressive ethics nationwide.

IX. ADJOURNMENT

At 1:52 p.m., the chair declared the meeting adjourned.

APPROVED:

A handwritten signature in blue ink, appearing to read "Peter L. Cruise". The signature is written in a cursive style with a large initial "P".

Chair/Vice Chair