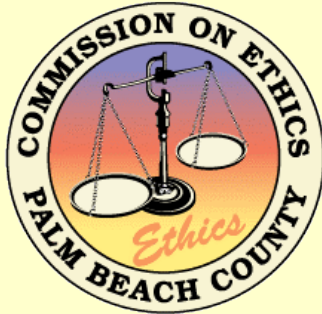


# ETHICS BULLETIN

SPRING 2015 EDITION



## Palm Beach County Commission on Ethics

Salesia V. Smith-Gordon, Chair

Michael Kridel, Vice Chair

Michael Loffredo

Clevis Headley

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## COMMISSION PROPOSES ORDINANCE CHANGES

The Commission on Ethics (COE), in a 2014 workshop and at recent meetings, discussed several potential changes to the ethics ordinances. This culminated in a request to the BCC to appoint a drafting committee to review and consider these three changes:

- (1) Giving a person accused of a violation the right to select a trial before a hearing officer.
- (2) Changing the definition of a "Vendor" to specify one who has done business with the county or municipality within 24 months.
- (3) Specifying that elected officials must file copies of gift forms with the COE at the same time that they are filed with the state.

A drafting committee, constituted with a number of members, conducts public meetings and ultimately presents its findings to the BCC for final vote. Stakeholders and members of the public are encouraged to participate in this process.

## RECENT COMPLAINTS

**C15-005:** An elected official admitted violating the Gift law section of the Code of Ethics (code) by failing to file with the COE a copy of each State of Florida Quarterly Gift Disclosure form that she

filed with the state in 2012, 2013, and 2014. The COE held that when a State of Florida Quarterly Gift Disclosure form is required to be filed under state law, **a copy must also be filed contemporaneously with the COE.** The COE approved the negotiated settlement and dismissed the case with a Letter of Instruction.

**C15-001:** A Palm Beach County official admitted violating the Gift law section of the Code by knowingly accepting a gift from a person that he knows, or should know, is a lobbyist who lobbies the County. **The acceptance of any gift, with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year, from a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality is improper under the code.** The COE approved the negotiated settlement and dismissed the case with a Letter of Instruction.

**C15-002:** A registered lobbyist of Palm Beach County admitted violating the Gift law section of the code by giving a gift to a person who he knows is an official of the County. **The giving of any gift, with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year, to a person who the lobbyist knows is an official or employee of that**

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**county or municipality is improper under the code.** The COE approved the negotiated settlement and dismissed the case with a Letter of Instruction.



as vice mayor of the town of Jupiter on an organization's list of sponsors.

**ANSWER:** As long as there is no quid pro quo in exchange for the donation and none of the persons or entities listed in Sec. 2-443(a) of the code would receive a special financial benefit from his donation, the official is not prohibited from using his official title in the identification of himself as a sponsor. Under the circumstances provided, using his official title as vice mayor of the town of Jupiter for identification purposes on an organization's list of sponsors would not violate the misuse of office provisions.

**RECENT ADVISORY OPINIONS**

*The full opinions are available on our website.*

**RQO 15-007: Conflict of Interest**

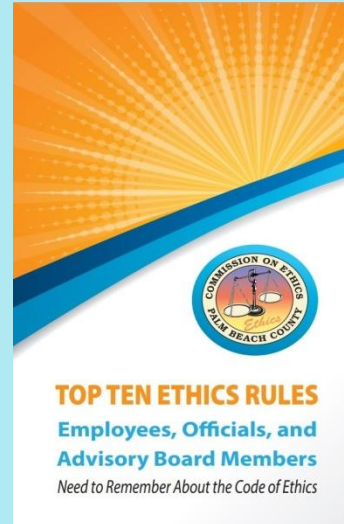
The human resources administrator for the City of Delray Beach asked if a prohibited conflict of interest would exist for an employee of the city's Fire-Rescue Department if the department uses Dive Gear Express as an active vendor, when the employee's brother is an employee of Dive Gear Express.

**ANSWER:** A public employee is prohibited from using his official position to provide a special financial benefit to a relative's employer. The code broadly defines "financial benefit," and the term includes any money or contract. Here, because this public employee oversees the contracts for equipment purchases for the department and has ultimate authority over the equipment procurement and sustainment, a prohibited conflict of interest would arise for this employee if his department uses Dive Gear Express as an vendor since his brother's employer would receive a special financial benefit.

**RQO 15-008: Use of Official Title**

An elected official asked if the code prohibits him from using his official title

**"TOP TEN RULES" cards available:**



These cards are the size of a business card and provide a quick guide to the major provisions of the Code of Ethics, including Gifts, Use of Official Position, Voting Conflicts, Outside Employment, and Miscellaneous Provisions. Contact information is also provided. Please contact us for a supply of these cards.

**Ask First, Act Later**

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