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SPRING 2016 NEWSLETTER

GIFT REPORTING: WHAT NEEDS TO BE REPORTED AND WHERE DO I NEED TO REPORT IT?

The Code of Ethics defines a “**gift**” as “the transfer of anything of economic value, whether in the form of money, service, loan, travel, hospitality, entertainment...or in any other form, without adequate and lawful consideration.” Gifts valued at over \$100 (a single gift, not the aggregate value) must be reported.

Are you a State Reporter?

Elected officials, most advisory board members, and certain department managers are under the gift reporting rules for the State of Florida, not the PBC Code of Ethics (although they must still comply with the gift prohibition rules of both codes)..

- Whether an elected official must report a particular gift and file a **State of Florida Quarterly Gift Disclosure Form** (Form 9) is based on state law, not the PBC Code of Ethics.
- If required to file a Form 9 with the State of Florida, they are also required to file a copy of this form with the PBC Commission on Ethics at the same time.
- **State reporters file gift reports quarterly.**

Not a State Reporter?

The majority of public employees are not state reporting individuals. Therefore, any reportable gift they receive must be filed on a **PBC Yearly Gift Disclosure Form** once a year by Nov. 1.

- **File gift reports by November 1st** for gifts received from Oct. 1 to Sept. 30 of the previous year.
- If no reportable gift is received, a gift form does not need to be filed.

What's New at the COE



On March 3, 2016, **Dr. Michael Loffredo** and **Sarah Shullman** were sworn into office.

Ms. Shullman was reappointed by the presidents of the PBC Bar Association, the F. Malcolm Cunningham, Sr. Bar Association, and Hispanic Bar Association. Dr. Loffredo was reappointed by the Palm Beach County Chiefs of Police Association.



Abigail Irazarri joined the COE staff in April as Investigator. She began her career with the Better Business Bureau in 2007. She then worked at the Department of Children and Families (DCF), serving as the lead DCF investigator, specializing in human trafficking cases. In 2013 Abigail was promoted to the Office of Inspector General for DCF. In 2015, she became a Certified Inspector General Investigator and was named the OIG Investigative Star of the year, the first female investigator to receive the state-wide award. Abigail graduated from Florida State University and has completed training to become a Certified Fraud Examiner.



Gina Levesque, Intake & Compliance Manager, received PBC Fire Rescue's Professional Partnership Award for her involvement and participation on the Palm Beach County Region 7 All-Hazards Incident Management Team.



Recent Advisory Opinions

The full opinions are available on our website.

RQO 16-001: Outside Employment

A PBC employee asked if the Code prohibits him from providing business analytics, research, and evaluation services on his own time to non-profit organizations, small businesses, and municipal governments when he is a Palm Beach County employee

ANSWER: Here, he is not proposing to "enter into any contract or other transaction for goods or services" with his employer, Palm Beach County. Because he would provide services through his outside business only to non-profit organizations, small businesses, and other local or municipal government entities, this would not be "prohibited conduct" under Sec. 2-443(d) of the Code. However, he is prohibited from entering into any contractual relationships with a vendor of PBC if he would be providing good and services to his public employer through that contract. This would create an indirect contract with the county and violate Sec. 2-443(d) of the Code.

RQO 16-003: Conflict of Interest

The Executive Director of the Delray Beach Downtown Development Authority (DDA) asked if the Code prohibits a DDA board member from voting on and discussing any matters, including the DDA budget, which concern an organization of which he is an officer or director (Pine Grove Arts District) and an organization which is a customer or client of his outside business (Delray Beach Marketing Cooperative)?

ANSWER: The Code does not prohibit the DDA board member from voting on the budget as a whole. However, when the DDA board discusses the budget line by line, the DDA board member must not participate in the discussions or vote on any "line-by-line" budget issue concerning either organization since any funding would be a financial benefit to those two entities. To comply with the Code, the DDA board member must publicly disclose the nature of the conflict before the DDA board discusses the issue and not participate in discussions. If any "line-by-line" vote takes place while reviewing the budget, the DDA board member must also abstain from voting on matters concerning Pineapple Grove Arts District or the Delray Beach Marketing Cooperative and file a state voting conflict form (8B) with the clerk of the DDA board and submit a copy to the COE.

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

- Potter Stewart

RQO 16-008: Contractual Relationship

A PBC employee asked if she and her outside business were prohibited from contracting with Palm Beach County and the municipalities within the county.

ANSWER: The employee and her outside business are prohibited from contracting with her public employer (PBC), unless one of several exceptions applies. However, the Code does not prohibit her or her outside business from contracting with any of the municipalities within Palm Beach County as long as she does not use her official position with the county to give herself or her outside business a special financial benefit.

HONESTY - INTEGRITY - CHARACTER

DON'T FORGET!

**Gifts worth more than \$100
in the aggregate per
calendar year from a vendor,
lobbyist, or any principal or
employers of a lobbyist,
cannot be accepted.**

Ask First, Act Later