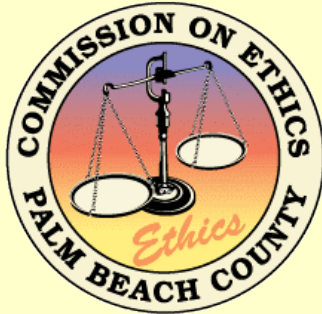


ETHICS BULLETIN

WINTER 2016 EDITION



Palm Beach County Commission on Ethics

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

Recent Updates



On September 3, 2015, Sarah Shullman was sworn in as the newest COE commissioner. The Honorable Jeffrey Colbath, Chief Judge of the 15th Judicial Circuit, presided over the swearing-in ceremony. Ms. Shullman, an Assistant Attorney General with the Florida Office of the Attorney General, was appointed by the presidents of the Palm Beach County Bar Association, Hispanic Bar Association, and the F. Malcom Cunningham, Sr. Bar Association.



On December 4, Mark Bannon was selected by the COE Commissioners to serve as the third Executive Director. Mr. Bannon joined the COE in 2010 and has served as the Senior Investigator, Interim Staff Counsel, and Interim Executive Director. Prior to joining the COE, Mr. Bannon was an assistant state attorney and also worked for the Palm Beach County Sheriff's Office.

GIFT REPORTING

The yearly gift disclosure form was due on **November 1**. If you need to report gifts and have not yet submitted your form, please do so **ASAP**. You must submit a gift disclosure form for any gifts you received with a value over \$100 between **October 1, 2014 and September 30, 2015**. The form is available on the COE website.

During the holiday season, many public employees and officials receive holiday gifts from members of the general public. A holiday gift given as an overall expression of appreciation is generally not prohibited as long as the gift is not in exchange for the performance of a specific official action. However, the gift must be reported to the COE if the value is over \$100. **If you receive a holiday gift valued at over \$100, you will report that gift on your 2016 gift disclosure form.**

As a reminder, public officials and employees cannot accept gifts with a cumulative value over \$100 over the course of the calendar year from a vendor, lobbyist, or principal or employer of a lobbyist.

COMPLIANCE REVIEWS

Staff began training compliance reviews of the County and the municipalities. In 2015, staff completed reviews of the County, the County's advisory boards, 15 municipalities, and 3 municipal advisory boards. Five entities were found to be not in compliance. The audit results can be found on our website at http://www.palmbeachcountyethics.com/compliance_reviews.htm

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RECENT ADVISORY OPINIONS

The full opinions are available on our website.

RQO 15-038: Contractual Relationship

An assistant city attorney asked if the code prohibits a city employee from also working as a youth basketball referee for the city.

ANSWER: The code prohibits the employees from entering into any contract or other transaction for goods or services with their public employer. There are exceptions to the contractual relationship prohibition; however, none of those exceptions apply to this situation. The code prohibits the city employees from also working as youth basketball referees for the city since none of the exceptions to the contractual relationship prohibition apply.

RQO 15-040: Gifts

The human resources director for the Village of Tequesta asked if the village is prohibited from accepting an offer of free pressure cleaning services for the gutter and sidewalk area of a public roadway, where the provider is a village resident who resides along that roadway.

ANSWER: The code does not prohibit the village from accepting an offer of free pressure cleaning services for a public roadway from the village resident as long as the pressure cleaning services are determined to have a public purpose and the resident offering the service does not receive any unlawful benefit for providing such a service. The code specifically exempts gifts accepted by public officials or employees on behalf of their employer which will be used solely for a public purpose.

RQO 15-042: Appearance of Impropriety

An employee of Palm Tran asked if her husband's employment at Maruti Transit, a vendor of Palm Tran Connection, created a prohibited conflict of interest for her.

ANSWER: Her husband's employment would not create a prohibited conflict of interest for her as long as she does not wrongfully use her official position or influence others to take any action to corruptly secure a special benefit, including a benefit that is not financial in nature, for Maruti Transit. However, although there may be no per se prohibited conflict of interest, there may be an appearance of impropriety, especially if any discretionary actions are involved, since the person who oversees the complaint process for Palm Tran Connection reports directly to her.

**THE TIME
IS ALWAYS
RIGHT TO
DO WHAT
IS RIGHT.**

- Martin Luther King, Jr.

RQO 15-046: Professional Achievement Award

A city of Greenacres employee asked if the Code prohibits city employees from being recognized for being instrumental in championing program quality and accepting a monetary award from a nonprofit organization who is neither a vendor nor lobbyist of the city.

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 an 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.

RQO 15-048: Travel Expenses

A Palm Beach County employee asked if an employee of the County's Information Systems Services (ISS) Department is prohibited from accepting payment of registration fees for a specialized training program from Palm Beach County Law Enforcement eXchange, Inc. (LEX), which is not a vendor, bidder, service provider, contractor, or proposer of the County.

ANSWER: The ISS employee is not prohibited from accepting the registration fees for the training since LEX is not a vendor, bidder, service provider, contractor, or proposer of Palm Beach County. In addition, since the registration fee for the training is an exception to the definition of a gift, the ISS employee who attends the conference is not required to report the cost of the registration to the COE.

Ask First, Act Later