



**Palm Beach County  
Commission on Ethics**  
The Historic 1916 Courthouse  
300 N. Dixie Hwy, Suite 450  
West Palm Beach, FL 33401  
561.355.1915

FAX: 561.355.1904

Hotline: 877.766.5920

E-mail:

[ethics@palmbeachcountvethics.com](mailto:ethics@palmbeachcountvethics.com)

**Commissioners**

Salesia V. Smith-Gordon, Chair

Michael S. Kridel, Vice Chair

Michael F. Loffredo

Carmine A. Priore

Clevis Headley

**Executive Director**

Steven P. Cullen

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**Intake Manager**

Gina A. Levesque

**Senior Investigator**

Mark E. Bannon

**Investigator**

Anthony C. Bennett

# News Release

For Immediate Release

Contact:

February 6, 2015

Steven P. Cullen, Executive Director

(561) 355-1937

## Summary of Palm Beach County Commission on Ethics Meeting Held on February 5, 2015

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on February 5, 2015.

Five advisory opinions were approved. The full opinions are published and available at:

<http://www.palmbeachcountyethics.com/opinions.htm>

**ROO 15-001:** An employee of the Vincermos Therapeutic Riding Center (center) whose role includes soliciting donations for the center asked what charitable solicitation reporting requirements she must comply with if she accepts an appointment to the Palm Beach County Sports Commission (Sports Commission).

**The COE opined as follows:** If the employee of the center accepts an appointment to the Sports Commission, she would not be prohibited from soliciting donations on behalf of the center in her non-official capacity. However, if the center solicits or accepts a donation in excess of \$100 from a vendor, lobbyist, or principal or employer of a lobbyist of the Sports Commission, she must maintain a record of the solicitation and submit a log to the COE within 30 days of the event, or if there is not an event involved, within 30 days of the solicitation. Additionally, as an appointed official, she is prohibited from using her official position as a member of the Sports Commission to give a special financial benefit, not shared with similarly situated entities in the community, to herself or her outside employer. Lending her name and official public title to the center's fundraising effort would per se constitute using her appointed position to provide a special financial benefit to the center. Therefore, her participation in fundraising for the center would need to be in her personal name without any reference to her official public title or connection to her official position as a member of the Sports Commission.

**ROO 15-002:** An employee of Palm Beach County, who works in the Aquatics Division of the Parks and Recreation Department, asked if he could accept part-time outside employment as a Masters Swim coach for LB2 Enterprises, Inc. (LB2), a company which contracts with the Aquatics Division.

**The COE opined as follows:** This part-time employment with LB2 would violate the prohibited contractual relationships section of the Code of Ethics because the employee would be unable to comply with all of the requirements of the waiver and exceptions provisions as set forth in section 2-443(e)(5). In general, the code prohibits public employees from entering into any contract or other transaction to provide services to the public entity they serve, including any contract or transaction between their public employer and their outside employer. However, there are exceptions and a process exists by which this prohibition can be waived for employees. One of the requirements of the waiver and exceptions provision is that the employee or relative of the employee may not work in the department which will enforce, oversee, or administer the contract. Here, both the employee and his spouse work in the Aquatics Division of the county's Parks and Recreation Department, and the Aquatics Division oversees the contracts with LB2. As such, he would not be able to comply with all of the requirements of the exceptions and waiver provisions, and he will need to decline this offer for part-time outside employment.

**ROO 15-003:** An elected official asked if he is allowed to accept complimentary admission to a nonprofit organization's event, when invited by the nonprofit organization and attending in his official capacity as town councilman, or if he must purchase a ticket to attend the event.

**The COE opined as follows:** The official is not prohibited from accepting complimentary admission to the event if the nonprofit organization does not employ a lobbyist and the ticket is given to him by a representative of the nonprofit organization who is not a lobbyist, vendor, or

principal or employer of a lobbyist. In general, under the code, a ticket to an event would be considered a gift. However, the code provides an exception for a ticket to a public event that is related to official municipal business from a nonprofit sponsor. Notwithstanding this exception, if the value of the ticket to the event exceeds \$100, the official, as a state reporting individual, must report the value in accordance with state law and send a copy of any required submission to the COE.

**ROO 15-004:** The Chief Assistant County Attorney asked if a prohibited conflict of interest would be created if the son of Shelley Vana, the Palm Beach County Board of County Commissioners (BCC) mayor, entered into a contract for services with the Palm Beach County Sheriff's Office (PBSO).

**The COE opined as follows:** A prohibited conflict of interest would not be created by the contract between Mayor Vana's son and the PBSO because the PBSO has sole discretion regarding its contracts for services with outside entities. The sheriff of Palm Beach County, as a constitutional officer, establishes and controls his own budget for his office, independent of the operating budget set by the BCC. The sheriff's authority to purchase supplies and equipment, select personnel, and hire, fire, and set the salaries of such personnel is independent of the BCC. Thus, the PBSO has sole discretion in determining whether to enter into a contract with the firm which employs the mayor's son. As such, as long as Mayor Vana does not use her official position to influence anyone to give her son's firm the contract with the PBSO, a prohibited conflict of interest would not exist.

**ROO 15-005:** A Palm Beach County Fire Rescue (PBCFR) employee asked if he could register and work as a lobbyist, during non-work hours, for a principal firm that lobbies Palm Beach County (county) and municipal councils on matters unrelated to goods and services provided to or used by PBCFR.

**The COE opined as follows:** The PBCFR employee is prohibited from lobbying the county as his public employer. He is not prohibited from lobbying municipalities within the county. As a lobbyist working for a principal firm that lobbies the county and the municipal councils, the firm would be his outside employer as contemplated by the code. Lobbying his public employer on behalf of his outside employer would violate the contractual prohibition provision. The code provides several exceptions to the contractual relations prohibition, but none of those exceptions apply to his situation. Thus, as a county employee, he is prohibited from working as a lobbyist who lobbies the county. However, he is not prohibited from lobbying municipalities within the county. When lobbying, he must take great care to not use his official public position or title as a county firefighter, directly or indirectly, in any of his dealings with these municipalities. Using his official public position or title as a firefighter would per se constitute using his public job to influence others to give a special financial benefit to himself, his outside employer, or a customer or client of his outside employer.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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