



Honesty - Integrity - Character

**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@palmbeachcountyethics.com

Commissioners

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Rodney G. Romano
Carol E. A. DeGraffenreidt
Michael H. Kugler
Executive Director
Mark E. Bannon

General Counsel

Christie E. Kelley

Intake & Compliance Manager

Gina A. Levesque

Investigator

Abigail Irizarry

Investigator

Mark A. Higgs

News Release

For immediate release:
Contact:

July 10, 2020
Mark E. Bannon, Executive Director
(561) 355-1937

Summary of Palm Beach County Commission on Ethics Meeting Held on July 9, 2020.

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on July 9, 2020.

One complaint was heard in executive session. The complete file is published on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>.

C19-006: The Respondent stipulated to probable cause. The COE accepted the stipulation and a public hearing will be held within 120 days.

Three advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>.

RQO 20-004: A vendor asked if there is a conflict between the "cone of silence" language used by the county's Purchasing Department in Requests for Proposals and the Palm Beach County Lobbyist Registration Ordinance (ordinance). If yes, does the ordinance prevail, and is the client permitted to contact the Palm Beach County Board of County Commissioners (BCC) or their staff in a form other than in writing after its proposal has been determined to be non-responsive?

The COE opined as follows: A conflict does not exist between the "cone of silence" language used by the Purchasing Department in Requests for Proposals and that used in the ordinance. Therefore, your client is not permitted to contact any members of the BCC or their staff in a form other than in writing unless done at a public meeting, until the BCC awards or approves a contract, rejects all bids or responses, or takes some action which ends the solicitation process.

RQO 20-005: A member of the Historic Preservation Board (HPB) for the city of Delray Beach asked if she is prohibited by the Code of Ethics from attending the presentation on her application before the HPB and answering questions that her representatives cannot answer, if she only answers directly to her representatives who then address the HPB on her behalf.

The COE opined as follows: Although an appearance of impropriety may exist, as long as she provides and directs her answers only to her representatives out of earshot of the board, and as long as only her representatives then address the board, she would not be "taking part" in the presentation but merely providing requested information to her representative. However, the COE believes the best way for her to protect against allegations of improper participation in the discussions is to remain out of the room while the presentation is being made, and her representative could then come outside of the meeting room to obtain the answer for the HPB.

RQO 20-006: A city attorney asked if a councilperson, who in his private capacity works as a certified process server and has contracts with private investigations firms is prohibited from serving subpoenas when those subpoenas are related to a lawsuit in which the city is a party. **The COE opined as follows:** The councilperson would be prohibited from serving the subpoenas on behalf of the law firm representing the city when the subpoenas are related to a lawsuit in which the city is a party. Although the private investigations firm hires the process server, it is the city that would be paying for the process server's services through its contract with the law firm that hires the investigations firm. If the councilperson were to serve the subpoenas related to the lawsuit involving the city, a prohibited indirect contract with the city would be created because the city would be ultimately paying for the councilperson's services.

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

###