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News Release

For Immediate Release
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Commission on Ethics Meeting Held on March 3, 2011

The Commission on Ethics took the following actions at its monthly public meeting held on March 3, 2010.

- The COE held an executive session hearing in the matter of C10-007, In re: Priscilla A. Taylor. The commission issued a Public Report dismissing the case pursuant to sec. 2-260.3 of the Commission on Ethics ordinance and issued a Letter of Instruction to the Respondent. Full text of the order, letter and investigative materials are available at <http://www.pbcgov.com/ethics/complaints.htm>.

- The COE held an executive session hearing in the matter of C10-008, In re: Channell Wilkins. The Commission issued a Public Report dismissing the case for lack of probable cause pursuant to sec. 2-260(c) of the Commission on Ethics ordinance. The complaint was based on erroneous information. Full text of the order and investigative materials is available at <http://www.pbcgov.com/ethics/complaints.htm>.

- Six (6) Advisory Opinions were approved by the Commission. The full opinions are published and available at <http://www.pbcgov.com/ethics/opinions.htm>.

- RQO11-002 involved advertised discounted hotel rooms in Daytona Beach offered by Bahama House, a Best Western Hotel, to all county firefighters. Neither Bahama House nor Best Western maintains contracts with Palm Beach County. The COE found that taking advantage of this advertised special was not prohibited; however, employees must report the difference between the regular and sale rate as a gift if the total savings exceeds \$100.00. The best available rate advertised on the Bahama House website is \$109.99 and the advertised firefighter special is \$77.00. Therefore, savings on a three night stay or longer would exceed \$100.00 and require the difference be reported on an employee's annual county gift report.

- RQO11-004-OE involved a water/sewer engineer for the City of Lake Worth who has outside employment as a web-master for the Florida Water and Pollution Control Operators Association (FWPCOA) which is state certified to train in water treatment and distribution issues. FWPCOA does not have contracts with the City of Lake Worth. Merit rule approval was obtained by the employee's supervisor for this outside work. The COE found no prohibited contractual relationship existed and no waiver was required for the employee to retain this outside employment.

- RQO 11-005 involved a tour for County Commissioners of the Loxahatchee Wildlife Preserve, given by the US Fish and Wildlife Service and arranged by lobbyists for environmental groups. Lunch was provided by the lobbyists and was valued at \$10.00. The tour was for the purpose of educating officials regarding issues faced by FWS in maintaining water quality in the Everglades sanctuary. The COE determined that the tour was for an official purpose and therefore not a gift within the meaning of the code of ethics gift laws, however, lunch provided by lobbyists was a gift but below the prohibited threshold of \$100.00 and therefore permitted.
- RQO 11-006 involved a County Commissioner, and Chair of the Palm Beach County Artificial Reef and Estuarine Enhancement Committee, being given a tour of the Lake Worth Lagoon by Palm Beach County Environmental Resources Management Department (ERM) for the purpose of educating the Commissioner on matters of restoration of the estuarine waters of the lagoon. The Commissioner asked to take her nieces on the tour (students) for educational purposes. The COE advisory opinion acknowledges that the tour has an official purpose and is not considered a gift to the Commissioner; however, to the extent that the tour has economic value and is not available to other students within the community, it would be a prohibited use of office for the official to invite family members. There are commercial tours available on the inter-coastal waterway, and the advisory opinion concludes that provided the official pays the commercial value into the county general fund, the inclusion of family members no longer constitutes a financial benefit and would not, therefore, constitute a misuse of office.
- RQO 11-008 involved a county employee who received two (2) unsolicited “thank you” gift certificates from a citizen she had assisted in her official capacity. The employee returned the gifts and asked for an advisory opinion as to whether this type of gift is prohibited by the code of ethics. The advisory opinion concluded that an official or employee may not accept any gift offered because of “an official action taken” or “duty performed.” Since these gifts were offered specifically for actions taken by the employee in the performance of her job, they are prohibited.
- RQO 11-003 involved a citizen who wished to volunteer for a county advisory board and asked if he would need a waiver from the BCC pursuant to sec. 2-443(d) of the code of ethics (Prohibited Contractual Relationships). Since his outside employer has no contractual relationship with Palm Beach County, there is no requirement that a waiver be obtained.
- The Commission on Ethics held a legislative workshop and discussed the progress of the Palm Beach County Referendum Drafting Committee. It is estimated that the final draft of ethics ordinances will be presented to the BCC by May, 2011. In addition, the COE adopted several amendments to their Rules of Procedure to reflect code changes involving self-initiated complaints and volunteer advocate conflicts of interest. A detailed explanation of agenda items is available at <http://www.pbcgov.com/ethics/meetings.htm>.
- The Commission reviewed the current compensation of the Executive Director and approved a 10% upward adjustment in compensation.

A video record of the COE meeting is available under the multimedia tab on the Palm Beach County Commission on Ethics website at, www.palmbeachcountyethics.com. More detailed information regarding agenda items may be found under the February 3, 2011 meeting schedule/minutes. Posted advisory opinions and documents regarding complaints may be found under the opinion and complaint tabs.

The Commission on Ethics hotline is (877) 766-5920.

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