



Palm Beach County  
Commission on Ethics  
2633 Vista Parkway  
West Palm Beach, FL 33411  
561.233.0724

FAX: 561.233.0735  
Hotline: 877.766.5920  
E-mail:

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

**Commissioners**

Edward Rodgers, Chair  
Manuel Farach, Vice Chair  
Robin N. Fiore  
Ronald E. Harbison  
Bruce E. Reinhart

**Executive Director**

Alan S. Johnson

**Staff Counsel**

Megan C. Rogers

**Administrative Assistant**

Gina A. Levesque

**Investigator**

Mark E. Bannon

# News Release

For Immediate Release  
Contact:

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Alan Johnson, Executive Director  
(561) 233-0736

## Summary of Commission on Ethics Meeting Held on June 2, 2011

The Commission on Ethics took the following actions at its monthly public meeting held on June 2, 2011.

- Seven (7) Advisory Opinions were approved by the Commission. The full opinions are published and available at <http://www.pbcgov.com/ethics/opinions.htm>
- **RQO 11-007** A municipal town manager asked whether public safety employees and town officials could attend an annual appreciation event hosted by a local country club where they would receive lunch and complimentary use of golf and tennis facilities. The host country club is not a vendor, lobbyist or principal or employer of lobbyists with the town. No special treatment is given or other "quid pro quo" in exchange for this event. The Code of Ethics does not prohibit attendance, however, the value of the meal and use of facilities, if greater than \$100 is a reportable gift.
- **RQO 11-021** A county employee asked whether she could solicit donations for the Flood and Hurricane Awareness Exposition (Expo), an annual event involving her county department. Her official position with the county requires the organization of public expositions involving the county's floodplain management program. The Expo features both private and public sector exhibitors and includes subject matter experts from various federal agencies, the media, nonprofit and emergency management organizations. Organizing the event involves the solicitation and acceptance of donations from nonprofit organizations and community businesses including vendors who transact business with the county or local municipalities. The purpose of the donations is to promote public attendance at the Expo. The Expo offers games and prizes relating to flood and hurricane preparedness. Gifts donated would be used exclusively as prizes to members of the public who attend the event. No county or municipal employee involved in the solicitation, their families, household members or relatives would be eligible to receive a prize. So long as there is no special financial benefit received by the county employee or related persons or entities, the prohibitions against solicitation or acceptance of certain gifts from vendors does not apply under these circumstances.
- **RQO 11-022** A Palm Beach County Assistant Airport Properties Manager asked whether certain benefits received by her husband, an employee of an airline that is a tenant of Palm Beach International Airport, were prohibited under the Code of Ethics. As part of its compensation package, standard in the airline industry, pilot's families may fly stand-by for free.

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In addition, pursuant to a recent airline merger, employees and their families are invited to an orientation conference. As a tenant of the county facility, neither airline is considered a vendor of the county as defined under the Code of Ethics. Insofar as any free airfare for family members is concerned, because it is a negotiated-for benefit that is standard in the industry for airline pilots, it is considered part of her husband's compensation package and not a direct or indirect gift to the county employee. While the flight may be a part of a negotiated employment package, any other expenses related to the conference such as hotel, meals and incidentals are considered gifts and, if the value is in excess of \$100, need to be reported on an annual gift reporting form. Aside from gift law considerations, the county employee must not use her official position to give a special financial benefit not shared with similarly situated members of the general public for her husband or his employers.

- **RQO 11-023** A Palm Beach County Commissioner asked if he was permitted to raise funds for a political party without violating the Code of Ethics. Political contributions specifically authorized by state or federal law are exempt from the definition of gifts within the code. Based on the fact that the political party is specifically authorized under state law to accept campaign contributions, the code does not prohibit a county official from soliciting or accepting campaign contributions, so long as the commissioner does not use his official position to obtain a special financial benefit or otherwise corruptly misuse his public office as set forth in sec. 2-443(a) and (b).
- **RQO 11-024** A Palm Beach County Commissioner asked whether he could accept tickets to a charitable event as an invited guest speaker. The value of the tickets is \$400. The sponsor of the event, a nonprofit association, does not employ lobbyists in Palm Beach County. The tickets were offered by the chairman of the charitable event, who is not otherwise a vendor or employer of lobbyists within Palm Beach County. Specifically, the commissioner is not prohibited from attending and accepting the tickets, whether or not the sponsor nonprofit organization is a vendor of the county. Pursuant to an exception to the gift law, sec. 2-444(g)(1)i., "a ticket, pass or admission" in connection with a charitable event, furnished by a nonprofit sponsor organization and given by a representative of the sponsor "who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist" is not prohibited, even if the value exceeds \$100. To the extent that the value exceeds \$100, the recipient must report the amount. A county commissioner is a state reporting individual and would need to report the amount as per state statute, with a copy sent to the Palm Beach County Commission on Ethics for retention. While the Code of Ethics does not prohibit the gift, an official may not accept anything of value because of an "official action taken" or "duty performed", which would result in a *quid pro quo* for the tickets.
- **RQO 11-025-OE** A municipal employee asked whether, as a software support analyst for a municipality, he could maintain an outside business repairing computers. Among his clients are co-workers. He maintains no contracts or transactions with his municipality and does all outside work during off-duty hours. He sought and obtained merit rule approval from his immediate manager as well as the village manager. So long as he is not a vendor, bidder, proposer or service provider for his municipality, the contractual relationship prohibitions in the code do not apply. At all times, he must be careful not to use his official position to obtain a special financial benefit for himself, his outside business or a customer or client of his business.
- **RQO 11-026** A municipal employee asked whether, as director of the city department overseeing management of facility rentals and usage, a conflict arose when a local college where she is a part-time instructor utilizes a city classroom facility. The city has a policy to not charge other agencies for use of its facilities; however, since the use was during non-business hours a fee was charged for staffing the classrooms. All rentals and facility usage agreements are coordinated and maintained by other city staff personnel, and the director receives no additional compensation for the college usage, either by the city or the college. The Code of Ethics specifically exempts all government entities from the definition of outside employment. Therefore, the college, a state facility, is not an outside employer of the director and the prohibited contractual relationship section of the code does not apply.

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So long as she does not use her official position to gain a special financial benefit from the arrangement, the use of the city facility by a public college does not violate the code, notwithstanding that she maintains part-time employment with the public college.

- The Commission on Ethics continued its discussion regarding public comment during commission meetings. A vote will be scheduled for the next meeting regarding the adoption of protocols allowing public comment on all matters before the commission except quasi-judicial probable cause and final hearings. The chairman will have the discretion to make decisions regarding time, place and decorum during public comment.
- The 2010-2011 Annual Report to the Commission on Ethics was presented and approved by the commission. The complete report can be found on the COE website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com).
- The Commission on Ethics held a discussion regarding the use of new technologies for outreach efforts within the community. Staff is currently working on Twitter and Facebook applications to disseminate ethics-related information to the public.

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

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