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# News Release

For Immediate Release  
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## Summary of Palm Beach County Commission on Ethics Meeting Held on August 2, 2012

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on August 2, 2012:

One complaint was heard in executive session. All documents pertaining to complaint C12-003 are published on the COE website at <http://www.palmbeachcountyethics.com/complaints.htm>. The COE took the following action:

The COE issued a public report and finding of probable cause. After review of staff's investigation, documentary submissions, written response of the respondent and the oral statements of the respondent and advocate, the Commission on Ethics determined that there are reasonably trustworthy facts and circumstances to believe that Mr. J. Jerome Taylor, chairman of the Riviera Beach Housing Authority, may have violated §2-442(a)(misuse of public office -two counts), §2-443(b)(corrupt misuse of public office -one count), and §2-443(c)(voting conflict -two counts) of the Palm Beach County Code of Ethics. A final hearing will be set within 120 days.

Eight (8) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>

**RQO 12-038:** The President, CEO and Chief Paid Executive of the Greater Delray Chamber of Commerce (the Chamber), asked whether he will need to register as a lobbyist if he meets periodically with elected officials where interaction with government leaders, both elected and appointed, is normal operating practice for a person in his capacity.

Additionally, he is a member of the Sister Cities of Delray Beach Board of Directors (Sister Cities) and is an appointed member of the Charter Review Commission of the City of Delray Beach (CRC), an advisory board of the City. Sister Cities is a 501(3)(c) charitable organization. He asked whether he can continue to participate as a member of the CRC without violating the Palm Beach County Code of Ethics.

**The COE opined as follows:** Whether or not a particular individual is considered a lobbyist as defined by the Palm Beach County Code of Ethics (the Code) and Lobbyist Registration Ordinance is determined by the specific facts and circumstances surrounding the person's status and the nature of the contact between the individual and public employees or officials. Insofar as his representation of the Chamber is concerned, if his principal responsibility to the Chamber is overseeing the Chamber's various relationships with government or representing the Chamber in its contacts with government, then he is a lobbyist within the definition of the Palm Beach County Code of Ethics and Lobbyist Registration Ordinance. Based upon the information that he provided, his contacts and relations with government on behalf of the Chamber are not his principal responsibility as president of the Chamber. Accordingly, under these specific facts, he is not required to register as a lobbyist.

The Palm Beach County Code of Ethics does not prohibit him from serving on the CRC provided that he abstain and not participate in any issue that comes before the CRC that would financially benefit the Chamber or Sister Cities, in a manner not shared with similarly

situated members of the general public. As a chamber employee and CRC board member, so long as the CRC *provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction*, neither he nor the Chamber is prohibited from having contracts or transactions with the City of Delray Beach (the City).

**RQO12-051:** A Town Clerk asked whether her office may provide an elected official with an email database of local condominium presidents and home owner association directors, and whether the use of the database by the elected official to advocate a position on an upcoming issue before the Town Council violates the Palm Beach County Code of Ethics. The database is available to the public through a public records request.

**The COE opined as follows:** An official is prohibited from using his or her official position to gain a *special* financial benefit. Here, there is no indication that the elected official received a special financial benefit as defined by the Palm Beach County Code of Ethics (the Code). Additionally, the Code does not limit or regulate political activity that does not involve a corrupt misuse of official position. Regulation of political activity or public records disclosure is controlled by state and federal law.

**RQO 12-052:** A City Employee asked whether her name may be acknowledged in a forthcoming book where she provided research and editing assistance in her personal time.

**The COE opined as follows:** A City Employee is not prohibited from accepting a research credit in a forthcoming publication in exchange for research services provided in her personal time. She did not receive compensation for her work and accordingly, such an arrangement does not fall within the definition of Outside Employment as provided by the Palm Beach County Code of Ethics (the Code).

**RQO 12-053:** A municipal supervisor asked whether two members of her staff may attend a local training session paid for by the City of Lake Worth (the City), where the training is sponsored by a vendor and attendees will receive a \$50 voucher for water testing services provided for use by the City upon course completion.

**The COE opined as follows:** Public employees are prohibited from accepting gifts in excess of \$100, in the aggregate over the course of the calendar year, from a vendor of their public employer, unless an exception applies. Gifts provided to a governmental employee by a vendor and accepted for the benefit of the government for a public purpose are not subject to this prohibition. Accordingly, a public employee is not prohibited from attending a local vendor training in his or her official capacity and accepting a \$50 voucher for testing services for the benefit of their governmental employer.

**RQO 12-054:** A real estate development consultant asked whether he must register as a lobbyist when he spends less than one percent of his consultation time in contact with government officials or staff members

**The COE opined as follows:** A lobbyist is any person who is employed and receives payment, or who contracts for economic consideration for the purpose of lobbying on behalf of a principal. Lobbying is defined as seeking to influence a decision through oral or written communication, or an attempt to obtain the goodwill of a public official or employee, with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to an advisory board or governing body. Whether or not a particular individual is captured within these definitions is determined by the specific facts and circumstances of the contact between that individual and public employees and officials. However, where a real estate developer, hired by a principal to develop a project, seeks to influence a decision or obtain a public employee or official's goodwill on a matter which may foreseeably be presented for consideration, he or she would likely fall within these definitions, regardless of how often the developer engages in such activity.

**RQO 12-055:** An assistant city attorney asked whether a local cruise company may hold a City Parks and Recreation appreciation cruise for department employees and their families.

**The COE opined as follows:** Offering an employee appreciation cruise and barbecue to all employees of a City's Parks and Recreation Department as a general gesture of appreciation for public employees and their families from a non-vendor or lobbyist of a municipality is not prohibited by the Palm Beach County Code of Ethics (the Code) provided that the event does not reward individual employees for the specific performance of an official act or public duty and there is no *quid pro quo* or other special consideration given to the donor in exchange for the donated gifts. If the value of the event for an individual employee and his or her family members exceeds \$100, the gift must be reported as required by the Code.

**RQO 12-056:** A county employee asked whether she was prohibited from accepting sky miles for reimbursed travel to the National Association of Government Webmasters (NAGW) conference.

**The COE opined as follows:** A county employee is not prohibited from accepting airline reward points when booking travel for a work related conference, notwithstanding the fact that she will ultimately be reimbursed by her government employer.

**RQO 12-057:** A municipal elected official asked whether she is permitted to attend Small Business Development Center Conferences and receive travel and related expense reimbursement from her outside employer, Palm Beach State College, and if so, whether she must report these reimbursements.

**The COE opined as follows:** An official is not prohibited from attending development conferences and accepting reimbursement from a governmental entity. The Code of Ethics specifically excludes travel expenses paid by governmental entities from regulations related to travel reimbursement. As state reporting individuals, elected officials are required to adhere to all standards and requirements imposed under state law regarding the reporting of gifts.

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

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