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News Release

For Immediate Release

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Summary of Palm Beach County Commission on Ethics Meeting Held on October 4, 2012

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on October 4, 2012.

Three complaints were heard in executive session. All documents pertaining to complaint C12-008, C12-010 are published on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>. The Commission tabled C12-009.

The COE took the following action:

In C12-008, in re: Al Berg, Lula Butler and Douglas Smith: After reviewing the complaint and supporting documents, COE staff memorandum of inquiry and memorandum of no legal sufficiency, the COE determined that there is no personal knowledge to support the allegation by the complainant, or information known or uncovered by staff inquiry constituting a violation of the Code of Ethics and dismissed the complaint due to no legal sufficiency. Full text of the order, investigative materials and letter of instruction are available at: <http://www.pbcgov.com/ethics/complaints.htm>

In C12-010, in re: Edward Mitchell: After reviewing the complaint and supporting documents, the COE staff memorandum of inquiry and memorandum of no legal sufficiency, the COE determined that the allegations submitted by the complainant do not constitute a violation of the Code of Ethics and dismissed the complaint due to no legal sufficiency. Full text of the order, investigative materials and letter of instruction are available at: <http://www.pbcgov.com/ethics/complaints.htm>

Five (5) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>

RQO 12-061: A county employee asked whether county water utilities staff may take training from a non-profit organization, the Florida Water & Pollution Control Operators Association (FWPCOA), when two county water utilities superintendents serve on the FWPCOA's board of directors.

The COE opined as follows: County employees are prohibited from using their position as water utilities superintendents to give a special financial benefit, not shared with similarly situated training providers, to a non-profit organization of which they are directors. Selecting, organizing and approving Water Utility Department (WUD) staff certification training by FWPCOA would constitute using one's official position to specially financially benefit that organization. Therefore, in order for the FWPCOA to continue to provide training for county staff, the superintendent/board members must either resign their positions with the FWPCOA, or remove themselves entirely from any involvement in the selection, organization or approval process regarding all future FWPCOA training sessions.

RQO12-064: A Palm Beach County Commissioner asked whether gifts that she does not accept personally as a matter of policy may be passed on to a charitable organization or government department without potentially violating the Palm Beach County Code of Ethics (the Code) gift law limitations and prohibitions.

The COE opined as follows: Transferring a gift to another entity does not alter the fact that the commissioner would be the original recipient of that gift. Therefore, if the gift is from a vendor, lobbyist or principal of a lobbyist who lobbies, sells or leases to the county, and the

value is in excess of \$100, annually in the aggregate, the code prohibits an official from accepting such a gift. However, the commissioner may accept a gift of any value, from whatever source, if done so on behalf of the county, in her capacity as county commissioner, for use solely by the county for a public purpose. Therefore, under these circumstances the Commissioner may accept a gift for use by a county department. Additionally, the code allows an official to pass a gift on to an IRS recognized charitable organization, provided she maintain and submit a log in accordance with the transparency provisions of the code. Reporting obligations for a county commissioner are exclusively subject to state law and the reporting individual need only submit a copy of his or her state report to the Palm Beach County COE.

RQO 12-065: A village attorney asked whether an ongoing conflict of interest exists based upon a friendship between an elected official and a village resident. Previously, the elected official requested an advisory opinion from the Commission on Ethics as to whether he was prohibited from accepting a gift of temporary residence from his long-time friend, valued at \$2,948.

The COE opined as follows: Unless the official uses his office to corruptly secure a special benefit for another, there is no prohibition against voting or participating in matters involving a personal friend, where there is not a financial, fiduciary or familial relationship between the parties as prohibited in Art. XIII, §2-443(a)(1)-(7).

During his temporary residence at the village resident's home, whether or not the elected official and the resident may have been considered members of the same household, the elected official did not vote or participate on any matter involving the resident. Going forward, there is no issue involving residence and, therefore, no conflict of interest under the financial misuse section of the code.

RQO 12-067: A registered lobbyist asked for clarification as to whether or not lobbyists must calculate and disclose expenses, in their annual lobbyist expenditure report, related to personal travel to and from meetings where lobbying occurs.

The COE opined as follows: Personal travel by a lobbyist to and from a meeting with county and municipal officials or employees is not a reportable expenditure required to be disclosed on the annual lobbyist expenditure report, so long as the lobbyist is not providing travel for the employee, official or others for the purpose of lobbying.

RQO 12-068: An elected official asked whether she was prohibited from participating in a homeowner association effort to clean up a lake adjacent to her residential development.

The COE opined as follows: An elected official is prohibited from using her official position directly or indirectly to give herself a special financial benefit when she is part of a small class of homeowners who live adjacent to the lake. That being said the elected official is not prohibited from personally taking action or assisting her neighbors and other members of her community in her personal capacity, in a manner consistent with that of other members of the general public.

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

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