



**Palm Beach County
Commission on Ethics**
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News Release

For Immediate Release
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October 4, 2013
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Summary of Palm Beach County Commission on Ethics Meeting Held on October 3, 2013

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on October 3, 2013.

One complaint was heard in public session. All documents pertaining to complaint C12-013 are published on the COE website at:

<http://www.palmbeachcountylethics.com/complaints.htm>.

The COE took the following action:

In C12-013, in re: Marlene Ross: After reviewing a negotiated settlement agreement presented by COE Volunteer Advocate Kai Li Fouts, Esq., and Respondent through her counsel, Scott Richardson, Esq., the COE voted 5-0 to accept the settlement agreement. Respondent was fined \$500 and issued a Letter of Instruction for a violation of PBC Code of Ethics Section 2-443(b), *Corrupt Misuse of Official Position*. A second count of violation of the same section was dismissed pursuant to the settlement agreement. The Respondent resigned as a Boynton Beach City Commissioner previously.

Two (2) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountylethics.com/opinions.htm>

RQO 13-016: A member of a county advisory board asked whether a prohibited conflict of interest was created if his outside business filed a bid and was awarded a contract with Palm Beach County via a competitive bid system.

The COE opined as follows: The general rule within the Code of Ethics is that officials and employees subject to the jurisdiction of the PBC Code of Ethics may not enter into contracts with, or provide paid services to, the public entity they serve. The Code of Ethics provides an exception to the general rule where the contract is entered into under a system of sealed, competitive bidding, and where the contract is awarded to the lowest bidder, providing that the official or employee has not participated in the bid specifications or the determination of the lowest bid, has not used their official position in any way to influence the award of the bid, and where the conflict is disclosed as required under the Code of Ethics and state law.

RQO 13-017: The City Attorney for the City of Delray Beach, on behalf of the Mayor, asked if the Mayor was correct in his intention to recuse himself from an upcoming vote regarding the City's potential future action on a contract with a development company of which he is President. The contract, concerning the City's purchase of land now owned by his company, was originally entered into in 2007, prior to him being elected Mayor.

The COE opined as follows: Under the facts and circumstances submitted, Mayor Glickstein has correctly concluded that voting on these matters would violate Sec. 2-443(a) of the Code

of Ethics. His decision to abstain from voting on these matters is correct. He is obligated to follow the procedures in Sec. 2-443 (c) disclosing the conflict publicly, not voting and filing the proper 8b form.

The COE reviewed and addressed a proposed response to the Preliminary Draft Final Report by OPPGA submitted by Executive Director Steven P. Cullen. The revised response is available on the COE website.

The COE discussed a proposed change submitted by Executive Director Steven P. Cullen to the COE Rule of Procedure 4.2 allowing sworn complaints that are found not to be *legally sufficient* by the COE Executive Director to be dismissed without presenting them to the COE, as is done with non-sworn complaints under the current rules. After discussion and some direction to COE staff, the COE tabled this matter for a future meeting.

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

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