



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

For Immediate Release
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October 2, 2014
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Summary of Palm Beach County Commission on Ethics Meeting Held on October 2, 2014

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on October 2, 2014.

One complaint was heard in the public meeting. All documents pertaining to C14-009 are published on the COE website at <http://www.palmbeachcountvethics.com/complaints.htm>.

C14-009: The COE issued a public report and final order of dismissal due to no probable cause. This matter came before the COE based on a complaint filed on September 15, 2014. The COE reviewed and considered the investigative report, documentary submissions, and the oral statement and recommendation of the COE advocate and dismissed the matter.

Three advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountvethics.com/opinions.htm>

RQO 14-026: The chair of the Lake Work Community Redevelopment Agency (LWCRA) asked if he is prohibited from representing Adopt-a-Family, either for a fee or on a pro bono basis (unpaid), in a real estate transaction in his personal capacity as an attorney.

The COE opined as follows: He is not prohibited from representing Adopt-a-Family in this real estate transaction in his personal capacity as an attorney. Based on the facts submitted, Adopt-a-Family would not be considered his customer or client because the anticipated income from his representation would be less than \$2,000, which is below the \$10,000 monetary threshold required by the Code of Ethics. Second, if he provided unpaid representation on a pro bono basis to Adopt-a-Family, then Adopt-a-Family would not be considered his customer or client under the code. Therefore, under both of these instances, if Adopt-a-Family comes before the LWCRA on a matter, he is not required to abstain from participating in or voting on the matter.

RQO 14-027: A Palm Beach County employee asked if her attendance at an awards ceremony dinner, valued in excess of \$100 sponsored by a registered lobbyist in consideration of her participation as a judge in the "Build Florida Award" program, is considered a gift under the code.

The COE opined as follows: Based upon the facts submitted, her attendance at the awards dinner is not a gift under the code. As such, she is not prohibited by the code from attending the event and there is no need to report it on a gift disclosure form. Under the code, she may not accept a gift in excess of \$100 from a lobbyist. Gifts in excess of \$100, not otherwise prohibited or excluded, must be reported on an annual gift disclosure report. An exception to the definition of a gift is a gift accepted in performance of official duties, by the county, for a public purpose. Furthermore, when the county employee performs work and preparation for the event as part of his/her official duties, it constitutes adequate consideration for any benefit received.

RQO 14-028: A Boynton Beach city commissioner asked if the cone of silence requirement of Palm Beach County Lobbyist Registration Ordinance §2-355 applies to him, when he was authorized by resolution of the City Commission to enter into preliminary negotiations with Palm Beach County to purchase at below market rate vacant county-owned land for a public purpose outside the confines of a pending formal bid process.

The COE opined as follows: Based upon the facts submitted, the cone of silence requirement of §2-355 of the Palm Beach County Lobbyist Registration Ordinance does not apply to him under these circumstances. He is clearly within the definition of "persons or entities," under the ordinance. However, he is not seeking, on behalf of the city, pursuant to the resolution, an award from a competitive solicitation. Because he is seeking, on behalf of the city for a public purpose, the sale of property at below market rate outside of the confines of the pending formal bid process, the cone of silence requirement, by the plain language of the ordinance, is inapplicable to him under these circumstances.

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

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