



Honesty - Integrity - Character

**Palm Beach County
Commission on Ethics**

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News Release

For immediate release:
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Summary of Palm Beach County Commission on Ethics Meeting Held on November 3, 2022

The Palm Beach County Commission on Ethics took the following action at its monthly public meeting held on November 3, 2022.

The commission approved three advisory opinions. The full opinions are available at <http://www.palmbeachcountyethics.com/opinions.htm>. Below are summaries of the opinions.

RQO 22-022: A municipal golf course employee asked if the Palm Beach County Code of Ethics (Code) prohibits him from entering into a professional sponsorship agreement with a brand name manufacturer of golfing or sports equipment when the terms would include promoting and stocking the brand in the course golf shop in exchange for complimentary or discounted golfing equipment and/or apparel for employees working at the municipal golf course.

The COE opined as follows: Such an arrangement is the equivalent of a "quid pro quo" – e.g., the carrying and promotion of a specific brand of golf equipment in exchange for free or discounted items – which is prohibited by the Code.

RQO 22-023: A county advisory board member asked if a conflict of interest would arise for him as a member of both the Palm Beach County Construction Board of Adjustments and Appeals (CBAA) and the Infrastructure Surtax Independent Citizen Oversight Committee (ISICOC) if Verdex Construction (Verdex) submits bids for construction management in response to Requests for Proposals from the county when he is the president of Verdex?

The COE opined as follows: Because the CBAA is purely advisory and does not have any authority to oversee, regulate, manage, or make policy-setting recommendations regarding the subject construction management contract(s) themselves, his membership on the CBAA does not prohibit such a contractual relationship between the County and Verdex as long as the existence of the subject contract is disclosed at a duly noticed public meeting of the BCC. However, although the ISICOC is also purely advisory, it has authority to oversee, regulate, manage, or make policy-setting recommendations regarding the subject construction management contract(s) themselves. Therefore, because of this contract oversight, the board member must obtain a waiver to continue serving on the ISICOC if Verdex is awarded any contracts. A waiver will require the BCC, upon full disclosure of the contract at a public meeting, to waive the conflict of interest by an affirmative vote of a majority plus one of the total membership of the BCC. If he was appointed by only one member of the BCC, the appointing board member alone can waive this conflict of interest.

RQO 22-024: A county employee asked if a conflict of interest would exist for her as the Director of the county's Office of Equal Business Opportunity (OEBO) if a county-certified minority vendor becomes your daughter's employer.

The COE opined as follows: Based on the facts provided, she had no involvement with her daughter obtaining employment with the vendor, and she had no involvement with

vendor becoming certified as a minority business enterprise. Therefore, the Code does not prohibit her daughter from working for this vendor as long as the county employee does not use her position in any way to give a special financial benefit to her daughter or her daughter's employer and as long as the offer of employment was not given in exchange for any quid quo pro.

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

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