

*Honesty - Integrity - Character*

# *Agenda*

August 3, 2023 – 1:30 p.m.  
Governmental Center,  
301 North Olive Avenue, 6<sup>th</sup> Floor  
Commissioners Chambers

**Palm Beach County**

**Commission on Ethics**

300 North Dixie Highway  
West Palm Beach, FL 33401  
561.355.1915  
FAX: 561.355.1904  
**Hotline: 877.766.5920**  
E-mail: [ethics@pbcgov.org](mailto:ethics@pbcgov.org)

**Commissioners**

Michael H. Kugler  
Kristin A. Vara-Garcia  
Peter L. Cruise  
Michael S. Kridel  
Rodney G. Romano

**Executive Director**

Christie Kelley

**General Counsel**

Rhonda Giger

**Intake and Compliance Manager**

Gina A. Levesque

**Investigator**

Mark A. Higgs

**Investigator**

Abigail Irizarry

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from July 6, 2023
- VI. Processed Advisory Opinions (Consent Agenda)
  - a. RQO 23-016
  - b. RQO 23-017
- VII. Items Pulled from Consent Agenda
  - a.
- VIII. Executive Director Comments
- IX. Commission Comments
- X. Public Comments
- XI. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.







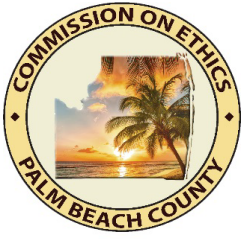












Honesty - Integrity - Character

# Palm Beach County Commission on Ethics

**Commissioners**  
Michael H. Kugler, Chair  
Kristin A. Vara-Garcia, Vice Chair  
Peter L. Cruise  
Michael S. Kridel  
Rodney G. Romano

**Executive Director**  
Christie E. Kelley

July 25, 2023

Laurie Cohen, Village Attorney  
Village of Wellington  
12300 Forest Hill Blvd.  
Wellington, FL 33414

Re: RQO 23-017  
Possible Voting Conflict

Dear Ms. Cohen,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

**QUESTION:**

Does a voting conflict arise if Anne Gerwig, the mayor of the Village of Wellington, participates in discussions and votes on the approval of land use applications where a customer or client of her outside business participated in a preliminary component of the project?

**BRIEF ANSWER:**

Mayor Gerwig is not prohibited from participating in discussions or voting on these matters because the possibility of a prohibited entity receiving a special financial gain is remote and speculative.

**FACTS:**

You are the Village Attorney for the Village of Wellington and are requesting this advisory opinion on behalf of Mayor Gerwig, who is an elected official. Mayor Gerwig and her spouse have complete ownership interest in a business, Alan Gerwig & Associates (AGA). AGA is routinely hired as a sub-contractor by Simmons & White, Inc. (SWI). AGA has supplied goods or services to SWI in the last 24 months in an amount exceeding \$10,000.

Two property owners have submitted land use applications for two separate but related projects that the Village Council is scheduled to consider. Each are applications for the development of private property. The applicants are requesting comprehensive plan amendments, master plan amendments, and rezoning to allow for the proposed development. SWI was the traffic engineer for both projects. The traffic engineering work for both projects was completed prior to the submission of the land use applications; consequently, neither applicant will require further services from SWI, unless a modification becomes necessary after project approval.

**ANSWER:**

The Code prohibits Mayor Gerwig from using her official position in any way when she knows or should know with the exercise of reasonable care that it would give a special financial benefit to one of the prohibited persons or entities listed in Section 2-443(a), which includes a client or customer of her outside business.<sup>1</sup>

---

<sup>1</sup> Sec. 2-443(a)



