



Honesty - Integrity - Character

Palm Beach County

Commission on Ethics

300 North Dixie Highway, Ste 450

West Palm Beach, FL 33401

561.355.1915

Hotline: 877.766.5920

E-mail: ethics@pbcgov.org

Commissioners

Kristin A. Vara-Garcia

Michael S. Kridel

Peter L. Cruise

Michael H. Kugler

Rodney G. Romano

Executive Director

Christie Kelley

General Counsel

Rhonda Giger

Intake & Compliance Manager

Gina A. Levesque

Education & Communications Manager

S. Lizabeth Martin

Investigator

Mark A. Higgs

Investigator

Abigail Irizarry

Agenda

June 6, 2024 – 1:30 p.m.

Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

Meeting will begin at 1:30pm
Executive Session will begin at 1:40pm
Regular Agenda will resume immediately
following Executive Session

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from May 2, 2024
- VI. Executive Session for C23-007
- VII. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 24-006
 - b. RQO 24-008
 - c. RQO 24-009
- VIII. Items Pulled from Consent Agenda
 - a.
- IX. Executive Director Comments
- X. Commission Comments
- XI. Public Comments
- XII. 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.

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
PALM BEACH COUNTY, FLORIDA**

MAY 2, 2024

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

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

COMMISSION ON ETHICS STAFF PRESENT:

Rhonda Giger, General Counsel
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager
S. Lizabeth Martin, COE Communication and Education Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:

Chayanne Munet, Deputy Clerk

I. Call to Order

The chair called the meeting to order at 1:30 p.m.

II. Pledge of Allegiance

Vice Chair Kridel led the Pledge of Allegiance.

III. Roll Call

Present: Chair Kristin A. Vara-Garcia, Vice Chair Michael S. Kridel, and
Commissioner Michael H. Kugler

Absent: Commissioner Peter L. Cruise and Commissioner Rodney G. Romano

IV. Introductory Remarks

No remarks were made.

V. Approval of Minutes from April 4, 2024

MOTION to approve the April 4, 2024, minutes. Motion Commissioner Kridel, seconded by Commissioner Kugler, and carried 3-0.

VI. Executive Session for C24-006

RECESS

At 1:31 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 1:52 p.m., the meeting reconvened with Chair Vara-Garcia, Vice Chair Kridel, and Commissioner Kugler present.

Vice Chair Kridel read the final order for the record:

RE: C24-006

Christie Kelley, Executive Director of the Palm Beach County Commission on Ethics (COE), filed the above-captioned complaint against Sara Baxter, (Respondent) alleging that Respondent, a Commissioner for Palm Beach County accepted a gift valued over \$100 and failed to properly report the gift to the Palm Beach County Commission on Ethics (COE) in violation of Section 2-444-(f)1 of the Palm Beach County Code of Ethics.

Pursuant to Sec. 2-258(a) of the Palm Beach County Commission on Ethics ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics.

In lieu of a probable cause hearing the COE advocate recommended the issuance of a letter of instruction and a dismissal of the complaint. This recommendation is based on the Respondent's filing of a gift form to the State Commission on Ethics and the facts elicited on the investigation.

Pursuant to Commission on Ethics Ordinance Sec. 2-260.3(b) Dismissal of complaints, the complaint may be dismissed and a letter of instruction issued at any stage of the proceedings if the Commission finds that the violation was inadvertent, unintentional, or insubstantial.

Therefore it is:

ORDER AND ADJUDGED that the complaint against Respondent, Sara Baxter, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on this 2nd day of May, 2024.

VII. Processed Advisory Opinions (Consent Agenda)

a. RQO 24-005

MOTION to approve the consent agenda. Motion by Commissioner Kugler, seconded by Vice Chair Kridel, and carried 3-0.

VIII. Items Pulled from Consent Agenda

No items were pulled from the consent agenda.

IX. Executive Director Comments

1. Ms. Kelley provided an update on the ethics trainings that had been conducted at various municipalities.
2. Ms. Kelley discussed the work that was being done with the City of Westlake regarding the renewal of the interlocal agreement.

X. Commission Comments

Chair Vara-Garcia commended S. Lizabeth Martin and staff for the training they had recently provided.

XI. Public Comments

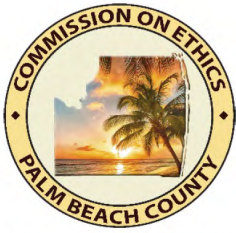
Risa McCarraher expressed concerns regarding complaints that had been submitted to the BCC and potential conflicts of interest.

XII. Adjournment

At 1:58 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



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Palm Beach County Commission on Ethics

Commissioners

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

Executive Director

Christie Kelley

May 10, 2024

Sgt. Terance Scott
Delray Beach Police Department
300 Atlantic Ave.
Delray Beach, FL 33444

Re: RQO 24-006
Conflict of interest

Dear Sgt. Scott:

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 the Palm Beach County Code of Ethics (Code) prohibit your membership on the board of The EJS Project (EJS), a non-profit organization that interacts with the City of Delray Beach (City)?

BRIEF ANSWER:

Generally, the Code only restricts actions that would result in a prohibited entity receiving a special financial benefit. Thus, as long as you carefully follow the guidance in this opinion and ensure that your actions do not violate this provision, your board membership is not prohibited by the Code.

FACTS:

You are a sergeant with the Delray Beach Police Department (DBPD). You also volunteer with EJS and are a member of their board of directors. EJS is a nonprofit, 501(c)(3) organization focusing on building and empowering future leaders. The EJS headquarters is located in Delray Beach, and a large portion of its sponsored activities are held within the City. EJS will soon be relocating, and is in negotiations with the City to lease space in a City-owned building. EJS has not received any funding from the City since 2021.

With respect to your City employment, you are a patrol sergeant assigned to the Community Oriented Policing Unit. You do not play any role in or have any input with the impending lease negotiations. You stated that you have not attended any of the negotiations or City commission meetings where this item was discussed. You also have not spoken, directly or indirectly, to any City official regarding this matter and will maintain this distance going forward. Additionally, in your role as an EJS board member, you have and will continue to remain uninvolved with the ongoing lease negotiations.

ANSWER:

The Code prohibits public employees from using their official positions, or taking or failing to take any action, or influencing others to take or fail to any action, or attempting to do any of those

things, in a manner which they know would give a special financial benefit to specified persons or entities, including an organization of which they are an officer or director.¹ Thus, the Code prohibits you from using your official position as a patrol sergeant, or taking or failing to take any action, or influencing others to take or fail to take any action, in any way to give a special financial benefit to EJS. A financial benefit is defined as anything of value.

The Code also prohibits public employees from using their official positions to corruptly secure any special exemption or benefit for any person or entity.² The Code defines corruptly as “done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.” Thus, the Code also prohibits you from using your official position with the City to corruptly secure a special benefit for any person or entity, including EJS.

Based on the facts submitted, the Code does not prohibit you from serving on the board of EJS as long as you do not use your official position as a City employee in any way to give EJS a special financial benefit or to corruptly secure a special benefit for EJS. Therefore, the COE recommends you continue to refrain from being involved in the lease negotiations and the execution of any lease agreement between the City and EJS. In addition, while on duty, you must treat EJS and its affiliates in the same manner as you would treat any other person or business within the City.

Additionally, Section 2-443(d), Contractual relationships, prohibits you or your outside business or employer from entering into any contract or other transaction for goods or services with the City. Here, although you are on the board of directors of EJS, since you serve as a volunteer and receive no compensation for your service, EJS does not qualify as your outside employer or business. Therefore, the contractual relationship prohibition found in Section 2-443(d) does not prohibit EJS from entering into a lease agreement with the City.

Further, while your involvement with EJS may not create any per se prohibited conflict of interest under the Code, an appearance of impropriety may exist if you were to handle any cases involving EJS as a patrol sergeant, especially if your acts are discretionary in nature.³ If you are concerned about this potential appearance of impropriety, the COE recommends you endeavor to have any such cases reassigned to another supervisor. If you choose to have those cases reassigned, you are reminded that you must not influence the officer(s) handling the matter to act or fail to act in a manner which would result in EJS receiving a special financial benefit.

Although the local Code of Ethics does not prohibit you from serving on the board of EJS as long as there is no misuse of your official position as discussed above, you should be aware that Section 112.313(7)(a), Florida Statutes, precludes a public official or employee from having any employment or contractual relationship with any entity which is subject to the regulation of the agency of which he or she is an officer or employee. Therefore, you should seek clarification from the City Attorney about whether state law precludes you from serving on the board of EJS while being employed with the DBPD.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a), Sec. 2-443(b), and Sec. 2-443(d) of the Code:

¹ Sec. 2-443(a)(1-7)

² Sec. 2-443(b)

³ RQO 11-037

Sec. 2-443. Prohibited conduct.

- (a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, or attempt to do any of these things, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- (1) Himself or herself;
 - (7) A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.
- (b) **Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource, which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.
- (d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with his or her respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assumes they are true for purposes of this advisory opinion. This opinion is not applicable to any conflict under state law, or with any relevant provision within the rules of The Florida Bar. Inquiries regarding possible conflicts under state law or bar rules should be directed to the State of Florida Commission on Ethics or The Florida Bar.

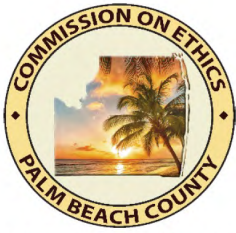
Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie Kelley
Executive Director

RG/gal



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Palm Beach County Commission on Ethics

Commissioners

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

Executive Director

Christie Kelley

May 16, 2024

Lieutenant Daniela Quinn
Delray Beach Police Department
300 Atlantic Ave.
Delray Beach, FL 33444

Re: RQO 24-008
Conflict of interest

Dear Lt. Quinn:

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 the Palm Beach County Code of Ethics (Code) prohibit your membership on the board of Community Greening (CG), a non-profit organization that interacts with the City of Delray Beach (City)?

BRIEF ANSWER:

Generally, the Code only restricts actions that would result in a prohibited entity receiving a special financial benefit. Thus, as long as you carefully follow the guidance in this opinion and ensure that your actions do not violate this provision, your board membership is not prohibited by the Code.

FACTS:

You are a lieutenant with the Delray Beach Police Department (DBPD). You also volunteer with CG and are a member of their board of directors. CG is a nonprofit, 501(c)(3) organization focusing on improving the environment for people and nature by increasing South Florida's urban tree canopy. The CG headquarters is located in the city of Boca Raton, but they do hold some of their community events within the City.

With respect to your City employment, you are a lieutenant assigned to the Special Operations Section where you oversee several individual policing programs. As a part of your standard duties, you have not interacted directly with CG. At the request of the City sustainability officer, you have ensured proper police staffing (traffic control and pedestrian crossing) for CG tree plantings that were sponsored by the City. Additionally, CG is the City's contractor for a tree-planting program. This program is a City-wide initiative and is considered a priority by the City Commission. You do not play a role or participate in any of CG's presentations to the City or appearances before the City Commission. Additionally, you have no input regarding the City's decision to fund or support CG for the tree-planting program. You have, however, encouraged police officers and department personnel to become involved in CG's mission.

In your role as a CG board member, you attend board meetings, review and collaborate on the progress of the CG mission, and assist with tree-planting logistics. You also attend and participate in the community tree plantings that occur in the City. You currently are listed as a board member on the CG website with your photograph, name, and City title.

ANSWER:

The Code prohibits public employees from using their official positions, or taking or failing to take any action, or influencing others to take or fail to any action, or attempting to do any of those things, in a manner which they know would give a special financial benefit to specified persons or entities, including an organization of which they are an officer or director.¹ Thus, the Code prohibits you from using your official position as a police lieutenant, or taking or failing to take any action, or influencing others to take or fail to any action, in any way to give a special financial benefit to CG. A financial benefit is defined as anything of value.

The Code also prohibits public employees from using their official positions to corruptly secure any special exemption or benefit for any person or entity.² The Code defines corruptly as “done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.” Thus, the Code also prohibits you from using your official position with the City to corruptly secure a special benefit for CG.

Based on the facts submitted, the Code does not prohibit you from serving on the board of CG as long as you do not use your official position as a City employee in any way to give CG a special financial benefit or to corruptly secure a special benefit for CG. Lending your name and City title to any fundraising effort for CG would constitute using your position to give a special financial benefit to that organization. As such, any solicitation of funds on behalf of CG would need to be in your name without reference to your City title. To that end, the COE recommends you have your rank and City affiliation removed from the CG website and any other promotional material that references your position with the City. Further, the COE recommends you continue to refrain from being involved in any funding or contract negotiations that occur between the City and CG. Moreover, while on duty, you must treat CG and its affiliates in the same manner as you would treat any other person or business within the city.

In addition, Section 2-443(d), Contractual relationships, prohibits you or your outside business or employer from entering into any contract or other transaction for goods or services with the City. Here, although you are on the board of directors of CG, since you serve as a volunteer and receive no compensation for your service, CG does not qualify as your outside employer or business. Therefore, the contractual relationship prohibition found in Section 2-443(d) does not prohibit CG from receiving funding from the City, or from being a registered vendor with the City.

Finally, while there may be no per se prohibited conflict of interest under the Code, an appearance of impropriety may exist, especially if your acts are discretionary in nature.³ Although matters of internal policy and procedure are not subject to COE jurisdiction, to avoid the appearance of impropriety, we recommend that were anyone in your lower chain of command to be assigned cases involving CG, you endeavor to have it reassigned to another supervisor. If you choose to have those cases reassigned, you are reminded that you must not influence the officer(s) handling the matter to act or fail to act in a manner which would result in CG receiving a special benefit.

While the Code does not preclude your support of CG, including your verbal encouragement for individuals to become involved, you must be very cautious about the context in which this is delivered. Because you are a supervisor at DRPD, it is important that employees do not feel they are being pressured

¹ Sec. 2-443(a)(1-7)

² Sec. 2-443(b)

³ RQO 11-037

to become involved or otherwise risk some negative consequence on the job. It is your responsibility to ensure that your colleagues and subordinates understand that they are under no obligation to participate in CG events or to offer financial support to CG.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a) and Sec. 2-443(b) of the Code:

Sec. 2-443. Prohibited conduct.

- (a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, or attempt to do any of these things, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- (1) Himself or herself;
 - (7) A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this subsection shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.
- (b) ***Corrupt misuse of official position.*** An official or employee shall not use his or her official position or office, or any property or resource, which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.
- (d) ***Contractual relationships.*** No official or employee shall enter into any contract or other transaction for goods or services with his or her respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assume they are true for purposes of this advisory opinion. This opinion is not applicable to any conflict under state law, or with any relevant provision within the rules of The Florida Bar. Inquiries regarding possible conflicts under state law or bar rules should be directed to the State of Florida Commission on Ethics or The Florida Bar.

Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,


Christie Kelley
Executive Director
RG/gal



Palm Beach County Commission on Ethics

Commissioners

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Michael H. Kugler
Rodney G. Romano

Executive Director

Christie Kelley

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May 31, 2024

Mr. Ty Penserga, Mayor
City of Boynton Beach
100 East Ocean Ave.
Boynton Beach, FL 33435

Re: RQO 24-009
Conflict of interest

Dear Mayor Penserga:

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 the Palm Beach County Code of Ethics (Code) prohibit you, an elected official, from accepting part of the training budget allocated specifically to the Division of the City Manager?

BRIEF ANSWER:

Generally, the Code only restricts actions that would result in a prohibited person or entity receiving a special financial benefit. The re-allocation of these training funds does not appear to violate this provision of the Code. However, because you, as Mayor, participate in both the City Manager's performance review and salary determination, there may be an appearance of impropriety were you to accept these funds.

FACTS:

You are the Mayor - an elected official - for the City of Boynton Beach (City). The entirety of the City Commission is allocated a \$3,000 training budget; meaning your share would be \$600 were it to be divided equally amongst all elected officials. You were recently accepted into the Harvard Kennedy School (HKS) program "Senior Executives in State and Local Government." This program is held out of state and is covered only fractionally by your allotted training budget from the City.

The City Manager's division has an allocated training budget of \$10,000 for the fiscal year. To support your attendance in the HKS program, the City Manager has offered to shift the \$10,000 training line-item from his budget to that of the City Commission. The intent is that the monies will then be used toward your HKS tuition. Records show the City Manager did not use his training budget allocation last year.

You are concerned about the appearance of this reallocation because you not only participate in the City Manager's performance appraisal, but also have a say in his compensation package. You did not request that the City Manager reallocate the training budget to you.

ANSWER:

The Code prohibits you from using your official position as the Mayor, or taking or failing to take any action, or influencing others to take or fail to take any action, in any way to give a special financial benefit to a prohibited person or entity, including to yourself.¹ A financial benefit is defined as anything of value.

The Code also prohibits you from using your official position as the Mayor to corruptly secure a special benefit for anyone, including yourself.² The Code defines corruptly as “done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.”³

Based on the facts submitted, the Code does not prohibit the reallocation of line items within the City budget as long as, during this process, you do not use your official position as Mayor in any way to give yourself a special financial benefit or to corruptly secure a special benefit for yourself.

Although you did not approach the City Manager about the training budget reallocation, it should be noted that the Code would prohibit you from asking or influencing other City employees to make similar budget reallocations requests as such actions may result in you receiving a special financial benefit. You are also remind that no quid pro quo or other special consideration may be given in exchange for the reallocation of the training budget to cover the HKS tuition.⁴

While this budget reallocation may not create a per se prohibited conflict of interest under the Code, a possible appearance of impropriety may exist based on the unique supervisory relationship that exists in a Commission/Manager governing structure. Because of this, the COE recommends that this training budget reallocation be executed in the public eye, preferably at a scheduled Commission meeting. The COE further recommends that you do not participate in the discussion and/or vote on this topic. Although matters of internal policy and procedure are not subject to COE jurisdiction, we recommend full transparency in a transaction of this nature.

LEGAL BASIS:

The legal basis for this opinion is found in §2-443(a), §2-443(b), and §2-444(e) of the Code:

Sec. 2-443. Prohibited conduct.

(a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, or attempt to do any of these things, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(1) Himself or herself;

(b) ***Corrupt misuse of official position.*** An official or employee shall not use his or her official position or office, or any property or resource, which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the

¹ Sec. 2-443(a)(1-7)

² Sec. 2-443(b)

³ While this advisory opinion does not technically address the actions of the City Manager, both of these prohibitions also apply to him.

⁴ Sec. 2-444(e)

purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
- (1) An official public action taken or to be taken, or which could be taken;
 - (2) A legal duty performed or to be performed or which could be performed; or
 - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The COE does not investigate the facts and circumstances submitted but assume they are true for purposes of this advisory opinion. This opinion is not applicable to any conflict under state law, or with any relevant provision within the rules of The Florida Bar. Inquiries regarding possible conflicts under state law or bar rules should be directed to the State of Florida Commission on Ethics or The Florida Bar.

Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie Kelley
Executive Director
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