

*Honesty - Integrity - Character*

# Agenda

December 5, 2024 – 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, Ste 450

West Palm Beach, FL 33401

561.355.1915

**Hotline: 877.766.5920**

**E-mail: [ethics@pbc.gov](mailto:ethics@pbc.gov)**

### **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 Levesque

### **Education & Communications Manager**

S. Lizabeth Martin

### **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 November 7, 2024
- VI. Processed Advisory Opinions (Consent Agenda)
  - a. RQO 24-017
  - b. RQO 24-018
- 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.

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

**NOVEMBER 7, 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  
Mark Higgs, COE Investigator II  
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:**

Danielle Freeman, Deputy Clerk

**I. CALL TO ORDER**

The chair called the meeting to order at 1:34 p.m.

**II. PLEDGE OF ALLEGIANCE**

Commissioner Romano led the Pledge of Allegiance.

**III. ROLL CALL**

Present: Chair Kristin A. Vara-Garcia, Vice Chair Michael S. Kridel,  
Commissioner Peter L. Cruise, and Commissioner Rodney G.  
Romano

Absent: Commissioner Michael H. Kugler

**IV. INTRODUCTORY REMARKS**

There were no introductory remarks.

**V. APPROVAL OF MINUTES FROM SEPTEMBER 5, 2024**

**MOTION to approve the September 5, 2024, minutes. Motion by Commissioner Cruise, seconded by Commissioner Romano, and carried 4-0.**

**VI. Executive Session:**

**RECESS**

**At 1:35 p.m., the chair declared the meeting recessed.**

- a. **C24-002**
- b. **C24-010**
- c. **C24-011**

**RECONVENE**

**At 2:43 p.m., the meeting reconvened with Chair Vara-Garica, Vice Chair Kridel, Commissioner Cruise, and Commissioner Romano present.**

Vice Chair Kridel read the following public reports and final orders for the record:

***In re:* Daniel Dugger, Case C24-002:**

Complainant, Tenille DeCoste, filed the above-referenced complaint alleging that Respondent, Daniel Dugger, City Manager for Boynton Beach, used his official position in a manner that may have violated Palm Beach County Code of Ethics (Code) Section 2-443(a), Misuse of Public Office or Employment, Section 2-443(b), Corrupt Misuse of Official Position, and/or Section 2-445, Anti-Nepotism.

Pursuant to Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics.<sup>1</sup> On November 7, 2024, the Commission conducted a probable cause hearing. After reviewing the Report of Investigation and the Probable Cause Recommendation and considering statements by the Advocate and Respondent's attorney, the Commission concluded that probable cause does not exist because there was no evidence that Respondent took any action that violated the Palm Beach County Code of Ethics.

Therefore it is:

**ORDERED AND ADJUDGED** that the complaint against Respondent, Daniel Dugger, is hereby DISMISSED.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on November 7, 2024.

***In re: Raymond Shaw, Case C24-010***

After the completion of a preliminary inquiry, the Commission on Ethics filed a self-initiated complaint against Respondent, Raymond Shaw, an employee of the West Palm Beach Police Department. The complaint alleged that Respondent may have violated Section 2-444(a)(1), Gift Law, of the Palm Beach County Code of Ethics.

Pursuant to Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics.<sup>1</sup> On November 7, 2024, the Commission conducted a probable cause hearing. After reviewing the Report of Investigation and the Probable Cause Recommendation and listening to statements by the Advocate, the Commission concluded that probable cause does not exist because there was no evidence that Respondent took any action that violated the Palm Beach County Code of Ethics.

Therefore it is:

**ORDERED AND ADJUDGED** that the complaint against Respondent, Raymond Shaw, is hereby dismissed.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on November 7, 2024.

***In re: William Griffin, Case C24-011***

After the completion of a preliminary inquiry, the Commission on Ethics filed a self-initiated complaint against Respondent, William Griffin, a vendor with the city of West Palm Beach. The complaint alleged that Respondent may have violated Section 2-444(a)(1), Gift Law, of the Palm Beach County Code of Ethics.

Pursuant to Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach Code of Ethics.<sup>1</sup> On November 7, 2024, the Commission conducted a probable cause hearing. After reviewing the Report of Investigation and the Probable Cause Recommendation and listening to statements by the Advocate, the Commission concluded that probable cause does not exist because there was no evidence that Respondent took any action that violated the Palm Beach County Code of Ethics.

Therefore it is:

**ORDERED AND ADJUDGED** that the complaint against Respondent, William Griffin, is hereby **DISMISSED**.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on November 7, 2024.

**VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)**

- a. **RQO 24-014**
- b. **RQO 24-015**
- c. **RQO 24-016**

**MOTION to approve the consent agenda. Motion by Commissioner Cruise, seconded by Commissioner Romano, and carried 4-0.**

**VIII. ITEMS PULLED FROM CONSENT AGENDA**

No items were pulled from the consent agenda.

**IX. EXECUTIVE DIRECTOR COMMENTS**

Ms. Kelley reported the following updates:

1.

COE remained in discussion with the appellate attorneys regarding the Book appeal. Ms. Giger would be preparing staff, and Ms. Kelley would keep the commission updated as it progressed.

2.

Staff participated in several outreach events during the months of September and October.

3.

Ms. Giger provided ethics training to the Delray Beach DDA.

4.

Ms. Martin delivered several presentations to various municipalities.

5.

Ms. Kelley and Norman Ostrau, Ethics Officer for the City of West Palm Beach, had provided a joint training for the Palm Beach County League of Cities.

6.

Staff had attended and completed all municipal meeting requirements for the year until January.

7.

A fall newsletter was prepared and published thanks to the assistance of Ms. Levesque and Ms. Martin.

8.

Next month's COE meeting would be followed by the Office of the Inspector General meeting.

## **X. COMMISSION COMMENTS**

1.

Commissioner Cruise inquired if the pending investigation on the Ron Book appeal would delay the related party investigation.

Ms. Kelley confirmed that the related party investigation could continue separately.

2.

Commissioner Cruise asked about the status of the West Palm Beach Downtown Development Authority.

Ms. Kelley responded saying that staff was preparing a sample memorandum for understanding for review.

3.

Commissioner Cruise questioned how much knowledge an individual would need to have if they wanted to report a potential violation.

Ms. Kelley said that the hearsay definition was limited. It would be best if there was public record of the potential violation; however, if anyone wanted to submit a complaint, the COE would review it to determine if it met the hearsay threshold.

Mr. Cruise confirmed with Ms. Kelley that the complaint had to be based on personal knowledge of a violation instead of rumor or gossip. If it was determined that the violation

was based on rumor or gossip, the COE would advise the individual that they would not be able to accept the complaint.

**XI. PUBLIC COMMENTS**

Je'Rise Hansen thanked the COE staff for their trainings, and she relayed Mr. Radcliffe's apologies for his absence.

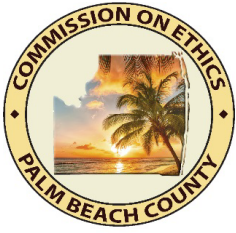
**XII. ADJOURNMENT**

**At 2:53 p.m., the chair declared the meeting adjourned.**

APPROVED:

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Chair/Vice Chair



# 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

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November 18, 2024

Commissioner Bobby Powell  
301 North Olive Ave. Suite 1201  
West Palm Beach, FL 33401

Re: RQO 24-017  
Possible Voting Conflict/Conflict of Interest

Dear Commissioner Powell:

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 from participating in discussions or voting on matters involving your former employer, Urban Design Studio (UDS)?

**BRIEF ANSWER:**

The Code does not prohibit your participation in matters involving a former employer.

**FACTS:**

You are a recently elected Palm Beach County Commissioner for District 7. Prior to this, you were a project manager for UDS; however, you resigned from UDS in February of 2024. You have no ownership interest in UDS.

It has come to your attention that UDS will be appearing before the Palm Beach County Board of County Commissioners (BCC) during an upcoming meeting.<sup>1</sup> You want to ensure there is no prohibited conflict of interest under the Code that precludes your participation in discussions or voting agenda items that include UDS.

**ANSWER:**

The Code prohibits public officials from using their official position in any manner which would result in a special financial benefit to any of the persons or entities specified in Sec. 2-443(a)(1-7). Among those specified prohibited persons or entities is an outside business or outside employer of the official or the customer or client of the official's outside employer or business. Similarly, Sec. 2-443(c) prohibits public officials from voting on or participating in matters that would give a special financial benefit to the persons or entities listed in Sec. 2-443(a)(1-7). However, neither a former employer nor a customer or client of a former employer are among the persons or entities listed in Sec. 2-443(a)(1-7).<sup>2</sup>

<sup>1</sup> Board of County Commissioners Zoning Hearing to be held Thursday, November 21, 2024

<sup>2</sup> RQO 17-013



Based on the facts submitted, your employment with UDS ended in February of 2024. Therefore, UDS is now your former outside employer. Because UDS is not your current outside employer, the Code does not prohibit you from participating in or voting on those matters as long as your participation will not give a special financial benefit to any other prohibited persons or entities listed in Sec. 2-443(a)(1-7).

Although there may be no per se prohibited conflict of interest under the Code, an appearance of impropriety may exist due to UDS being your former outside employer. Further, you are reminded that the Code also prohibits you from using your elected position on the BCC in any way to corruptly secure a special benefit of any kind for anyone, including a former employer.

**LEGAL BASIS:**

The legal basis for this opinion is found in Sec. 2-443(a) and Sec. 2-443(c) 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, 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;
- (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
- (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;
- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
- (5) A customer or client of the official or employee's outside employer or business;
- (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner— "substantial" for these purposes shall mean at least ten thousand dollars(\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
- (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.

(c) ***Disclosure of voting conflicts.*** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The term "participate" as used in this section shall be defined as: "To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before

the voting body in which the official is required to abstain from voting.” The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other 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, as set forth in subsections (a)(1) through (7).

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

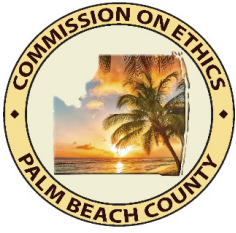
Please feel free to contact me at (561) 355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie E. Kelley,  
Executive Director

RG/gal



# 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

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November 27, 2024

Ms. Rachel Bausch, Assistant Village Attorney  
Village of Wellington  
12300 Forest Hill Blvd.  
Wellington, FL 33414

Re: RQO 24-018  
Conflict of Interest

Dear Ms. Bausch:

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 the Village of Wellington (Village) from limiting the eligibility criteria of a housing assistance award in a manner that would make only Village employees eligible to receive the benefit?

**BRIEF ANSWER:**

The Code does not preclude you from limiting the housing award in this manner as long as the analysis in this opinion is carefully implemented and followed.

**FACTS:**

You are the Assistant Village Attorney. The Village has been in communication with Habitat for Humanity (HFH) regarding two parcels of property that are currently owned by the Acme Improvement District (Acme). Acme is a special district originally created by the Florida legislature to provide drainage, water management, and infrastructure development in western Palm Beach County. When the Village was incorporated in 1995, Acme became a dependent district of the Village and the two entities share the same governing board, with the Village Council serving as the Board of Supervisors for Acme.

HFH has proposed that the Village, on behalf of Acme, donate the two parcels to HFH for the development of two single-family homes. Upon completion, HFH would transfer ownership of the homes to income-eligible, first-time homebuyers. HFH would manage and oversee the application process with input from the Village. The selected applicants would be chosen by HFH according to their standard criteria, and they would purchase the homes from HFH under a 30-year, 0% interest mortgage and contribute "sweat equity" by assisting in the construction of the homes. HFH is neither a vendor of the Village nor a lobbyist or principal of a lobbyist who lobbies the Village.

The Village Council would like the homes to go to applicants who are already part of the Village community. To further that goal, the involved entities would like to limit the pool of potential homebuyers to only current Village employees. You want to confirm that there is no prohibited conflict for Wellington/Acme to donate the properties to HFH for development on the condition that HFH selects Village employees as the recipients of the homes. If the above scenario is permissible under the Code, you also would like to confirm whether a Village employee who qualifies for the program can be selected as a recipient of a home without creating a conflict.

If the above scenario is not allowed by the Code, in the alternative, the Village would like to restrict the award to current Village residents, to individuals who currently work in the Village, and to current Village employees.

**ANSWER:**

The Code prohibits an official or employee from using their official position to give a special financial benefit, not shared with similarly situated members of the general public, to specified persons or entities.<sup>1</sup> The Code also prohibits anyone from using his or her official position to corruptly secure a special benefit for anyone. Corruptly is defined as an act that is done with a wrongful intent and inconsistent with the proper performance of one's public duties.<sup>2</sup>

Here, the employees of the Village would comprise the similarly situated group that is eligible to receive the housing award. Although there is a benefit involved, because this benefit is available to every employee (as long as they meet the award criteria established by HFH), it is not considered a special benefit under the Code.<sup>3</sup> Simply put, any qualifying Village employee would be similarly situated because they all have the opportunity to apply for and potentially receive the same benefit. Therefore, based on the facts provided, where every employee is afforded the opportunity to apply for the housing award, the Code does not prohibit the Village from offering this benefit to them.

Additionally, because there is no Village policy or procedure that classifies the award as an employment benefit, were an employee to receive this housing opportunity, the zero-interest loan would likely be considered a gift from the Village and/or HFH. Although the Code does not prohibit a municipality or a non-vendor or a non-lobbyist from giving gifts to public employees, the employees are required to report gifts received on a gift disclosure form if the value of the gift exceeds \$100. Based on the facts provided, the employee would be required to calculate the amount saved from the zero-interest loan, and since that amount would clearly exceed \$100, this gift must be reported in accordance with the disclosure requirements of the Code. If an employee who receives the award is a state-reporting individual, he or she must follow state law regarding gift disclosure.

Further, you must take great care to ensure that any employee or official involved in establishing the award criteria or participating in the selection process does not have the opportunity to influence the final decision regarding the award recipient. Even if

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

<sup>2</sup> Sec. 2-443(b).

<sup>3</sup> The general line drawn by the COE, and by the Florida Commission on Ethics, is that benefit is not special where the interest of the public official involves 1% or less of the class CEO 78-96; CEO 84-80; CEO 87-18; CEO 87-95; CEO 92-52; CEO 93-12

inadvertent, there is a possibility that such involvement could violate Sec. 2-443(a), Misuse of public office or employment, and/or Sec. 2-443(b), Corrupt misuse of official position.

Finally, while the Code does not prohibit a Village employee from receiving this housing award under the given circumstances, there is an inherent potential for the public to perceive this limiting criteria as a conflict. If the Village is concerned by this potential appearance of impropriety, the COE recommends also including current residents or business owners in the applicant pool, as the general public may perceived this approach as more fair and inclusive.

### **LEGAL BASIS:**

The legal basis for this opinion is found in Sec. 2-442, Sec. 2-443(a), Sec. 2-443(b), and Sec. 2-444 of the Code:

#### **Sec. 2-442. Definitions.**

**Gift** shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise of these, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, §112.3148, and the Florida Administrative 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 or attempt to 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.

#### **Sec. 2-444. Gift law.**

(f) **Gift reports.** Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.

(1) Gift reports for officials and employees identified by state law as reporting individuals. Those persons required to report gifts pursuant to state law shall report


those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended, including, but not limited to, the state's definition of gift, exceptions thereto, and gift valuations. The county code of ethics' definition of gift and exceptions thereto shall not be used by reporting individuals to complete and file state gift reporting disclosures. When a state reporting individual files or is required to file a gift report with the state, a copy of each report shall also be filed with the county commission on ethics no later than ten (10) days after the report is filed with the state. Failure to file a State of Florida Quarterly Gift Disclosure Form with the county commission on ethics within the required timeframe shall be a violation of this section.

- (2) All other officials and employees who are not reporting individuals under state law.
- b. All other gifts. All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than January 31 of each year for the previous calendar year (January 1 through December 31). All officials or employees, who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law. The county code of ethics' definition of gift and exceptions thereto shall be used by non-state-reporting individuals in completing and filing annual gift disclosure reports required by this section.

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. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

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

Sincerely,

  
Christie E. Kelley,  
Executive Director

RG/gal