



Honesty - Integrity - Character

Agenda

February 6, 2025 – 1:30 p.m.
Governmental Center,
301 North Olive Avenue, 6th 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@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

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from January 9, 2025
- VI. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 25-002
- 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
JANUARY 9, 2025**

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

**WEISMAN GOVERNMENTAL CENTER
COMMISSION CHAMBERS**

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:

Chayanne Munet, Deputy Clerk

I. Call to Order

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

II. Pledge of Allegiance

The commissioners recited 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

The Commissioners wished everyone a happy new year.

V. Approval of Minutes from December 5, 2024

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

(CLERK'S NOTE: Commissioner Kugler joined the meeting.)

VI. 2024 Annual Report Overview Presentation

Ms. Kelley provided a slideshow presentation of the 2024 Annual Report, that included a review of the strategic plan, customer satisfaction surveys, education and outreach events, achievements, and upcoming projects for 2025.

Commissioner Romano inquired about the possibility of certification for continued education.

Ms. Kelley stated that the possibility could be explored.

VII. Processed Advisory Opinions (Consent Agenda)

a. RQO 25-001

MOTION to approve the consent agenda. Motion by Commissioner Cruise, seconded by Commissioner Romano, and carried 5-0.

VIII. Items Pulled from Consent Agenda

No items were pulled from the consent agenda.

IX. Executive Session C24-008

RECESS

At 1:43 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 2:47 p.m., the meeting reconvened with all members present.

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

In Re: Sara Baxter

C24-008

Christie Kelly, Executive Director of the Palm Beach County Commission on Ethics, filed the above-captioned complaint against Sara Baxter (Respondent), alleging that Respondent, an elected official in Palm Beach County, accepted gift(s) with a value exceeding \$100 from a prohibited entity, to wit: a registered lobbyist in Palm Beach County in violation of Section 2-444(a)(1) of the Palm Beach County Code of Ethics.

Pursuant to Section 2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the Commission is empowered to enforce the Palm Beach County Code of Ethics.

On January 9, 2025, the Commission conducted a probable cause hearing and reviewed the Memorandum of inquiry, the Report of investigation, and the Probable Cause Recommendation submitted by the Advocate. The Advocate recommended a finding of probable cause, issuance of a letter of instruction, and a dismissal of the complaint. This reasoning behind this recommendation is that the violation appears to have been inadvertent or unintentional. After an oral statement by the Advocate and the Respondent's counsel, the Commission determined that probable cause existed and dismissed the case finding that the public interest would not be served by proceeding further, pursuant to Commission on Ethics Ordinance Section 2-60.3(a), Dismissal of complaints.

Therefore it is:

ORDERED and ADJUDGED that the complaint against Respondent, Sara Baxter, is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on this 9th day of January 2025.

X. Executive Director Comments

Ms. Kelley stated that staff had presented ethics training to the City of Riviera Beach in December 2024 and that they would be conducting additional trainings later in January 2025.

Ms. Kelley presented the Practical Guide to Ethics to the Commission, and thanked staff for their work on the project and printing.

XI. Commission Comments

Commissioner Cruise thanked the members of the public for their attendance at the Ethics Bowl.

Commissioner Cruise inquired about communications with the West Palm Beach Downtown Development Authority, and Ms. Kelley responded stating that staff had not heard back from the Authority at that time.

XII. Public Comments

There were no public comments.

XIII. Adjournment

At 2:51 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair

January 24, 2025

Thomas Coppini Jr., C.B.I
Superintendent, Bridge Section
Palm Beach County
Road & Bridge Division
2555 Vista Parkway
West Palm Beach, FL 33411

Re: RQO 25-002
Nepotism

Dear Mr. Coppini:

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 working and/or advancing within the same section as a co-worker who will soon be marrying into your family (thus becoming your son-in-law) when the employee/relative falls within your chain of command?

BRIEF ANSWER:

Generally, the anti-nepotism section of the Code does not preclude the employment or advancement of persons who are currently employed with the same governmental agency when the familial relationship occurs. It also does not require the discharge of a person who becomes a relative after employment is established. As long as you carefully follow the guidance in this opinion, including exercising no control over your son-in-law's promotion or employment and abstaining from advocating for a promotion for him in the future, you are not precluded from remaining or advancing within your section.

FACTS:

You have been employed with Palm Beach County (County) for 13 years. Your current position is Bridge Supervisor in the Road and Bridge Section of the Engineering and Public Works Department. Your future son-in-law is also employed with the County in the Bridge Section and falls within your chain of command.

Your future son-in-law has worked in Bridge Section of Road and Bridge for over three years and will be marrying into your family in the near future. At the time of his hire, you were in the Road Section preparing to transition to your current role. Your future son-in-

law is currently employed as an Apprentice Electrician I and is participating in an apprentice program that provides for promotions to Apprentice II, Apprentice III, and Apprentice IV through the Electrical Vocational School if the employee meets all necessary requirements. After the Apprentice IV position, the next promotion is to Industrial Electrician. This promotion would only occur when a position becomes available and is granted on the basis of seniority.

You understand that once the familial relationship occurs, you may not promote or advance your son-in-law or advocate in any way for his promotion or advancement.

ANSWER:

Under the Code, an employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the County where the employee exercises control, any individual who is a relative of the official.¹ A son-in-law is considered a relative under the Code.² However, the anti-nepotism provision does not require the discharge of persons who become relatives after employment is already established.

Section 2-445 of the Code is identical to the Anti-nepotism provision in the Florida Code of Ethics.³ In its simple terms, the anti-nepotism provision addresses only appointment, employment, promotion, or advancement. It does not prohibit two relatives from working together, or one relative from supervising another.⁴ Instead, this section of the Code prohibits an employee from promoting or advancing, or advocating for the promotion or advancement of, a relative in the agency he serves or over which he exercises control. As the Bridge Superintendent, you may ultimately be involved in the day-to-day decision making processes within the Bridge Section. However, you would not have the ultimate authority to appoint, promote, or advance persons within that section.

In applying the Code to County governance, the County Administrator is the person vested by ordinance with the authority to hire and promote staff within the County.⁵ However, the County Administrator has delegated that authority by rule or regulation to senior level staff.⁶ For your department, the person who has been delegated that authority is the Director of the Engineering and Public Works Department. Thus, even as Superintendent, while you may have a say in these matters, you are not the official vested with authority to hire or promote and you were not given such authority by other law, rule or regulation.

Section 2-445 also prohibits an employee from using their official position to advance or otherwise advocate for a relative's promotion. Accordingly, you must take great care not

¹ Sec. 2-445. Anti-nepotism law.

² Id.

³ Fla. Stat. 112.3135

⁴ CEO 96-13; RQO 13-015.

⁵ Palm Beach County Code: Chapter 2, Article 2, Sec. 2-20

⁶ Palm Beach County PPM#CW-P-004

to use your new position to recommend or otherwise advocate for the promotion of your son-in-law should he seek a promotion or new position within the County.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-445 of the Code:

Sec. 2-445. Anti-nepotism law.

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the county or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the county or a municipality if such appointment, employment, promotion, or advancement has been advocated by an official, serving in or exercising jurisdiction or control over the county or municipality as appropriate, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative or domestic partner of the individual is a member.

- (1) For the purposes of this section, "official" means any official or employee in whom is vested the authority by law, rule, or regulation or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the county or municipality as applicable.
- (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

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