



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

Michael S. Kridel

Peter L. Cruise

Michael H. Kugler

Rodney G. Romano

Kristin A. Vara-Garcia

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

September 4, 2025 – 1:30 p.m.

Governmental Center,

301 North Olive Avenue, 6th Floor

Commissioners Chambers

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from August 7, 2025
- VI. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 25-008
 - b. RQO 25-009
- 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**

AUGUST 7, 2025

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

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

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

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. Lizbeth Martin, Education and Communications Manager

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

Danielle Freeman, Deputy Clerk
Karla Perez, Board Meetings Specialist

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 Kridel, Vice Chair Cruise, and Commissioner Romano

Absent: Commissioner Kugler and Commissioner Vara-Garcia

IV. Introductory Remarks

No comments were made.

V. Approval of Minutes from July 10, 2025

MOTION to approve the minutes. Motion by Vice Chair Cruise, seconded by Commissioner Romano, and carried 3-0.

VI. Processed Advisory Opinions (Consent Agenda)

a. RQO 25-007

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

VII. Items Pulled from Consent Agenda

No items were pulled from the consent agenda.

VIII. Executive Director Comments

Ms. Kelley reported the following updates:

1.

In July, staff conducted presentations at the meetings of the Delray Beach Downtown Development Authority (DDA) and the City of Riviera Beach.

2.

Staff conducted ethics training courses for employees at the Town of Lake Park and the Town of Lake Clarke Shores.

3.

Staff was in the process of working on a new ethics training video as well as updating the COE's Rules of Procedures which would be brought to the committee for approval.

4.

Executive Director Richard Radcliffe was retiring at the end of the month, and Ms. Kelley thanked him for his service and partnership with the COE over the years.

IX. Commission Comments

The commissioners thanked Mr. Radcliffe for his years of service in Palm Beach County.

The commissioners expressed gratitude to Ms. Levesque for her work on the Ethics Everywhere presentation.

Ms. Levesque thanked staff and John Rouse from Public Affairs for their help with the Ethics Everywhere presentation.

X. Public Comments

There were no public comments.

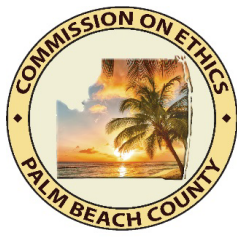
XI. Adjournment

MOTION to adjourn. Motion by Commissioner Romano, seconded by Vice Chair Cruise, and carried 3-0.

At 1:36 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



Honesty - Integrity - Character

Palm Beach County Commission on Ethics

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

Executive Director
Christie Kelley

August 12, 2025

Kristina Maricic, Administrative Services Manager
City of Delray Beach Police Department
300 W. Atlantic Ave.
Delray Beach, FL 33444

Re: RQO 25-008
Accepting donations; Conflict of interest

Dear Ms. Maricic,

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 City of Delray Beach Police Department (DBPD) from accepting donations for its National Night Out event when the donations may come from vendors or lobbyists of the City of Delray Beach (City)?¹

BRIEF ANSWER:

The DBPD may accept donations for this event from a vendor, lobbyist, or principal or employer of a lobbyist of the City if the donations fall under an applicable gift exception. Here, it appears that the donations will qualify because they will be used solely for a public purpose. Thus, no violation will occur as long as the following conditions are met:

1. City Administration or the City Commission declares the event has a public purpose;
2. The donations are accepted on behalf of the City and used solely for a public purpose; and
3. There is no quid pro quo or other special consideration given to donors in exchange for a donation.

FACTS:

The DBPD annually puts on an event called National Night Out (NNO). NNO is sponsored in part by the National Association of Town Watch (NATW), a registered non-profit organization. NATW is dedicated to enhancing local communities through an established

¹ Your original request to the COE also inquired about the DBPD's annual holiday toy drive and the collection of items and/or funds for unsheltered individuals. The analysis used in this opinion would also apply to both of those scenarios.

network of law enforcement agencies, neighborhood watch groups, civic groups, as well as state and regional crime prevention associations and local volunteers.

NNO is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make neighborhoods safer as well as to enhance the relationship between the community and law enforcement. Millions of police departments take part in NNO events across the country. Individual neighborhoods host block parties, festivals, parades, cookouts and various other community events with safety demonstrations, seminars, youth events, visits from emergency personnel, and exhibits.

The DBPD's NNO event lasts approximately three hours and is held in the evening, usually at the beginning of October. Several local businesses and organizations have expressed an interest in donating food, school supplies, or funding for the event, and at least one of the businesses is a vendor of the City. Any monetary donations would typically be used to purchase supplies that would be used during the event itself.

ANSWER:

Under the Code, public officials and employees are not prohibited from soliciting or accepting gifts or donations from persons or entities that are not vendors, lobbyists, or principals or employers of lobbyists who lobby, sell, or lease to their public employer. However, for transparency purposes, the acceptance of such gifts may need to be reported on a gift form.² Conversely, the Code prohibits public officials and employees from soliciting or accepting any gift of more than \$100, annually in the aggregate, from a vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases to their public employer, unless an exception applies.³ The rationale behind limiting gifts solicited from prohibited sources (vendors, lobbyists, or principals or employers of lobbyists of a public entity) is grounded in the desire to avoid the appearance that these gifts are made to obtain access or gain the goodwill of public employees or officials. Therefore, soliciting or accepting any donations with a value exceeding \$100 from any City vendor, lobbyist who lobbies the City, or principal or employer of such a lobbyist would be prohibited unless an exception applies.

Section 2-444(g)(5) specifically exempts gifts that are solicited or accepted by public employees or officials, in performance of their official duties, on behalf of their public employer for use solely by their public employer for a public purpose from the definition of a gift.⁴ When officials or employees solicit or accept gifts for a public purpose, they do not need to report those gifts on a gift form, and the \$100 limit on gifts from prohibited sources does not apply. The COE has previously opined that whether an event is a government function which constitutes a public purpose must be determined by the administration or by the governing body of the county or municipality as applicable.⁵ Based upon the facts provided, because DBPD employees will be accepting the

² Sec. 2-444(f)

³ Sec. 2-444(a)(1)

⁴ Sec. 2-444(g)(5)

⁵ RQO 19-013; RQO 18-007; RQO 11-063; RQO 11-021

donations for NNO in the performance of their official duties as police department staff, the exception in Sec. 2-444(g)(5) would apply to this situation as long as NNO is determined to have a public purpose.⁶ Therefore, before any donations are solicited or accepted, the City Administration or the City Commission must make a determination that the NNO event is for a public purpose. If it is determined to have a public purpose and the corresponding donations are used solely for that public purpose, then they are not gifts as defined by the Code. Thus, DBPD staff would not be prohibited from soliciting and accepting donations over \$100 from any person or entity, including vendors, lobbyists, or principals or employers of lobbyists who lobby, sell, or lease to the City, as long as the donations are accepted directly into government accounts.⁷

However, if neither the City Administration nor the City Commission determines that NNO serves a public purpose, then DBPD staff would be prohibited from soliciting or accepting donations over \$100, in the aggregate, from any City vendors, lobbyists who lobby the City, or principals or employers of such lobbyists. Additionally, any donations exceeding \$100 from persons or entities that are not vendors, lobbyists, or principals or employers of lobbyists of the City would be acceptable but must be reported on a gift form.

Further, as a reminder, the Code prohibits any person or entity from offering or giving any gift to any public official or employee, and likewise prohibits any public official or employee from accepting a gift from any person or entity, in exchange for the past, present, or future performance or non-performance of any public action or legal duty.⁸ Therefore, the acceptance of a donation for the NNO event must not be based upon any quid pro quo or special privilege or treatment given to the donor in exchange for such a donation, as that would constitute a misuse of office.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-442, 2-444(a)(1), Sec. 2-444(e), and Sec. 2-444(g)(5) 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, or in any other form, without adequate and lawful consideration.

Sec. 2-444. Gift law

(a) (1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor,

⁶ This same rationale applies to the other two situations referenced in the opinion.

⁷ RQO 11-084 (donations from vendors solicited by public officials or employees must be deposited into public accounts)

⁸ Sec. 2-444(e)

lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.

- (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.
- (g) Exceptions. The provisions of subsection (g) shall not apply to:
 - (5) Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose.

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.

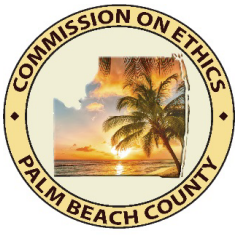
Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie Kelley,
Executive Director

RG/gl



Honesty - Integrity - Character

Palm Beach County Commission on Ethics

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

Executive Director
Christie Kelley

August 18, 2025

Greg Mitchell, Esq
Loruim, PLLC
197 S. Federal Highway, Suite 200
Boca Raton, FL 33432

Re: RQO 25-009
Voting conflict

Dear Mr. Mitchell,

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 before the Boca Raton Planning and Zoning Board (BRPZB) when a customer or client of your outside business owns a residential property located adjacent to the proposed project?

BRIEF ANSWER:

You are not prohibited from participating in discussions or voting on these matters because the size of the class affected by this project is large enough.

FACTS:

You are a member of the BRPZB. The BRPZB's function is to monitor and oversee the effectiveness of Boca Raton's comprehensive plan. The BRPZB hears all matters pertaining to development within the City and makes recommendations to the Boca Raton City Council.

Your outside employment is as a senior associate attorney for Loruim, PLLC. A client of Loruim, PLLC owns a residential property (a condominium unit) at 155 E. Boca Raton Road (Tower 155).¹ A search by COE staff using the Palm Beach County Property Appraiser website revealed that there are approximately 125 condominiums at this

¹ You have confirmed that the involved party meets the COE's definition of customer or client (any person or entity to which an official's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having an aggregate value greater than \$10,000).

address.² Tower 155 is immediately adjacent to a property that will be the subject of an agenda item coming before the BRPZB.

The agenda description of the project is lengthy but addresses the “Mizner Plaza” hotel project, which will be located in the downtown area of Boca Raton on three parcels totaling nearly 2 acres. Ultimately the project will need authorization to construct a 12-story, 271,412 square foot 242-room hotel, 34,840 square feet of retail, and internal structured parking. Among other things, the project will need approval to deviate from currently existing off-street parking requirements as well as approval of the transfer of use specificity regarding retail, office, and residential equivalency requirements. Additionally, there will be a recommendation to the Boca Raton City Council regarding the sale of city property related to the “Mizner Plaza” development receipt of conditional credits.

Neither you nor your outside business or employer have financial or other ties to the developer, or anyone else involved with the project.

ANSWER:

The Code prohibits public officials from using their official position in any manner which would result in a special financial benefit, not shared with similarly situated members of the general public, to certain persons or entities, including a customer or client of their outside business.³

Whether a matter rises to the level of a prohibited conflict of interest depends on whether the prohibited entity will receive any special financial benefit. The COE has previously opined that “financial benefit” constitutes economic gain or loss.⁴ In evaluating a conflict of interest under the Code, the COE considers the number of persons who stand to gain or lose financially from a decision and whether the gain or loss is remote and speculative. As the COE has previously opined, there is no bright line in determining the number of individuals who would need to be similarly affected to transform a personal gain into a gain or loss shared with similarly situated members of the general public.⁵

Therefore, the determination of whether a measure will result in a financial benefit not shared with similarly situated members of the general public turns on the size of the class of persons who stand to benefit from the measure.⁶ Where the size of the class is large, a prohibited financial gain would result only if there are circumstances unique to the prohibited entity (here, the client of the official’s outside business) that would enable the property owner to benefit more than the other property owners within the class. However, where the class of persons who stand to gain or lose from a decision is small, it is more

² The unit is located within Tower 155 Condominiums. The original plans for Tower 155 indicated there would be 150 units, however open-source research has indicated a final number as low as 110. Staff was unable to confirm an exact number but is confident the final number is over 100.

³ Section 2-443(a), *Misuse of official position or employment*.

⁴ RQO 10-013 (For the purpose of ordinance construction, the commission finds that a financial benefit includes either a private gain or loss).

⁵ Id.

⁶ RQO 14-036

likely that an official will have a conflict.⁷ The general line drawn by the COE, and by the Florida Commission on Ethics, is that no voting conflict is present in situations where the interest of the public official involves 1% or less of the class, in other words, where 100 or more persons are affected.⁸ While the "1% Rule" may be an arbitrary cutoff point, it provides certainty and guidance in an area of the law that otherwise lacks clarity.

Here, Tower 155 alone includes more than 100 residences. Considering that there are a significant number of other residential properties located in the downtown area and in close proximity to the project, the client's interest in the area is less than one percent. Further, nothing in the facts currently indicate that the location of the property owned by the client provides a unique circumstance wherein their personal gain or loss by this vote would exceed significantly that of other property owners in the immediate vicinity of the Mizner Plaza project. Therefore, because the economic benefit or loss from the Mizner Plaza project affects a class large enough to remove any prohibited individual financial benefit, you are not prohibited from voting on or participating in discussions on Mizner Plaza project when it comes before the BRPZB.

LEGAL BASIS:

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

Sec. 2-442. Definitions.

Customer or client means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

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:
- (5) A customer or client of the official or employee's outside employer or business;
- (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 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

⁷ CEO 92-37 (two percent or eight percent of the property to be affected is of sufficient size to result in a "special" gain); CEO 93-19 (measure to construct a sidewalk affecting 40 homes would not affect enough persons in order for its effect not to be considered "special" under the voting conflicts law).

⁸ CEO 78-96; CEO 84-80; CEO 87-18; CEO 87-95; CEO 92-52; CEO 93-12

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 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,

A handwritten signature in blue ink, appearing to be 'CK' with a long horizontal stroke extending to the right.

Christie Kelley,
Executive Director

RG/gl