



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

November 6, 2025 – 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 the Executive Session

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from October 9, 2025
- VI. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 25-010
 - b. RQO 25-011
- VII. Items Pulled from Consent Agenda
 - a.
- VIII. Executive Session
 - a. C24-018
 - b. C25-007
 - c. C25-008
- 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 MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
PALM BEACH COUNTY, FLORIDA**

OCTOBER 9, 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, COE General Counsel
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager
S. Elizabeth Martin, COE Communications and Education Manager

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

Chayanne Munet, Deputy Clerk

(CLERK'S NOTE: Commissioner Kugler served as chair in the absence of Chair Kridel and Vice Chair Cruise.)

I. Call to Order

Commissioner Kugler called the meeting to order at 1:31 p.m.

II. Pledge of Allegiance

Commissioner Romano led the Pledge of Allegiance.

III. Roll Call

Present: Commissioner Kugler, Commissioner Romano, and Commissioner Vara-Garcia

Absent: Vice Chair Cruise and Chair Kridel

IV. Introductory Remarks

No comments were made.

V. Approval of Minutes from September 4, 2025

MOTION to approve the minutes. Motion by Commissioner Vara-Garcia, seconded by Commissioner Romano, and carried 3-0.

VI. Executive Director Comments

Ms. Kelly reported the following updates:

Staff participated in various outreach events in September.

Ms. Kelly and Commissioner Cruise provided an overview of the COE and their mission to the Leadership Palm Beach County Engage Class of 2026 during their Civics and Governments Day.

Ms. Giger provided ethics training courses for employees and officials within various municipalities.

The next Inspector General meeting would take place on November 6.

VII. Commission Comments

No comments were made.

VIII. Public Comments

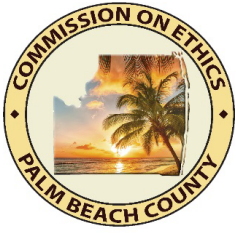
There were no public comments.

IX. Adjournment

At 1:34 p.m., Commissioner Kugler declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



Palm Beach County Commission on Ethics

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Executive Director
Christie Kelley

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October 22, 2025

Daniel Dugger
City Manager
City of Boynton Beach
100 E. Ocean Ave.
Boynton Beach, FL 33435

Re: RQO 25-010
Conflict of interest

Dear Mr. Dugger,

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 allowing a non-profit partner of the City to retain the remaining funds from a joint fundraiser to cover the administrative costs incurred during the fundraising campaign?

BRIEF ANSWER:

No, the Code does not prohibit you from allowing the City's non-profit partner to retain the remaining funds from a joint fundraiser to cover administrative costs incurred during the fundraising campaign. Generally, the Code only restricts actions that would result in a prohibited person or entity receiving a prohibited special financial benefit.

FACTS:

You are the current City Manager for the City of Boynton Beach (City). In February of 2019, the City Manager was Lori LaVerriere. During Ms. LaVerriere's tenure, the City entered into a partnership with the Boynton Beach Cultural Center, Inc. (BBCC). The BBCC does business as the Schoolhouse Children's Museum (SCM). SCM is a registered non-profit organization. One of the central reasons behind the initiation of the partnership was the desire to collaborate in the promotion of a Naming Rights Campaign for the new town square.

Both the City and the SCM board of directors felt it would be a mutually beneficial partnership and believed the SCM Executive Director, Suzanne Ross, should manage the campaign. Part of this discussion included the understanding that if SCM incurred an

administrative burden because of the partnership, the City would offer compensation or assistance to make the SCM whole. It is your understanding that the agreement of compensation is in line with the intentions of the former City Manager, Ms. LaVerriere. Ultimately, the Naming Rights Campaign raised money for new City buildings as well as for the SCM (which is located across the street from City Hall). As a part of the ongoing partnership, the City makes an annual financial contribution to the SCM. The SCM also operates out of a building owned by the City.

The formal management agreement between the BBCC and the City states that the City Manager or his designee should serve on the BBCC board to oversee the City's interests. Neither you nor any other City Manager has ever served on this board. An appointed designee has filled that role, as outlined in the agreement.

ANSWER:

The Code prohibits public officials from using their official position in a manner that would result in a special financial benefit not shared with similarly situated members of the general public to certain persons or entities, including a civic group or organization of which he is an officer or director.¹ Whether a matter involves a prohibited conflict of interest depends on whether a prohibited entity is involved. Here, because you do not serve as an officer or director on the board of the BBCC, neither the BBCC nor the SCM are considered prohibited entities under the Code.²

Because the BBCC is not a prohibited entity, your decision to allow the residual monies raised during the campaign to go toward the administrative burden incurred during the 2019 joint fundraiser is not prohibited by the Code.

Additionally, while the Code does not restrict your actions in this factual scenario, you must remember that as a public employee, no quid pro quo or any other benefit may ever be given for an official act or the past, present, or future performance of a public duty.³ Finally, you are also reminded that public officials are prohibited from using their official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others.⁴ Corruptly means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act which is inconsistent with the proper performance of the official's duties.⁵

¹ Section 2-443(a), *Misuse of official position or employment*.

² Additionally, even if you had not used the provision allowing a designee serve in your place, the Code would not consider the BBCC a prohibited entity under the exception contained in 2-443(a)(7). "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."

³ Sec. 2-444(e), Gift law.

⁴ Sec. 2-443(b), Corrupt misuse of official position

⁵ Id.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a) 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:

(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.

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.

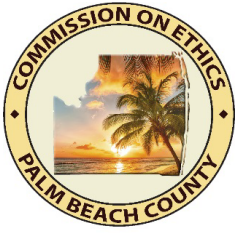
Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Christie Kelley,
Executive Director

RG/gl



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Peter L. Cruise, Vice Chair
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Kristin A. Vara-Garcia

Executive Director
Christie Kelley

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October 31, 2025

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

Re: RQO 25-011
Conflict of Interest/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 and/or your outside employer from representing a client who intends to enter into a lease with an entity who regularly appears before your advisory board?

BRIEF ANSWER:

Neither you nor your outside business are prohibited from representing a client in lease negotiations as long as the guidance in this opinion is followed.

FACTS:

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

Your outside employment is as a senior associate attorney for Loruim, PLLC. A potential client of Loruim, PLLC wishes to negotiate a lease for a space owned by Investments Limited (IL). IL is owned by Jim and Marta Batmasian. IL specializes in real estate investment, ownership, development, operations, management, and leasing and owns many commercial and residential properties in the City. Both IL and the Batmasians frequently appear before the BRPZB. Neither you nor your outside employer will be receiving compensation from IL or the Batmasians.

ANSWER:

As an appointed official, the Code prohibits you from using your official position as a member of the BRPZB to give a special financial benefit, not shared with similarly situated

members of the general public, to yourself, your outside employer, or a customer or client of your outside employer.¹ Similarly, you are also prohibited from voting on or participating in a matter that will bring a special financial benefit to yourself, your outside employer, or a customer or client of your outside employer.² A customer or client is defined as a person or entity to whom you or your outside employer has supplied goods or services with a value in excess of \$10,000 over the previous 24 months.³

Based on the facts provided, neither IL nor the Batmasians are a customer or client of your outside business, and you and your outside employer will not be receiving compensation from either of those entities. Accordingly, the Code does not prohibit you from negotiating lease terms with IL on behalf of a customer or client of your outside employer as long as you do not use your position on BRPZB in any way to influence, or attempt to influence, IL or the Batmasians to take any action that would give a special financial benefit to any prohibited person or entity listed in Section 2-443(a)(1-7), including a customer or client or your outside employer. Additionally, you must ensure that your participation in any future BRPZB discussions or votes does not result in a special financial benefit to any prohibited person or entity under the Code, including a customer or client of your outside employer.⁴

If your participation in a matter before the BRPZB would result in a special financial benefit to a prohibited entity, then a prohibited conflict of interest would exist. In such circumstances, voting on or participating in the matter would constitute misuse of office and create a voting conflict. When faced with such a voting conflict, the Code requires you to 1) disclose the nature of your conflict before the BRPZB discusses the matter; 2) abstain from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (Form 8B), submitting a copy to the BRPZB clerk and the COE. Here, “participate” would mean that you may not take part in any presentation or discussion regarding the matter with your fellow members of the BRPZB.

You will also need to determine whether the party you and your outside employer would be representing would meet the Code’s definition of a customer or client. If the value of the goods or services supplied by you or your outside employer does not meet the requisite \$10,000 monetary threshold, then the Code would not consider the represented party to be a customer or client of your outside business. In such a case, despite your outside business relationship with the person or entity, the Code would not preclude your participation in or vote on the matter before the BRPZB. However, while there would be no per se conflict of interest, an appearance of impropriety may exist if you were to participate in discussions or vote on matters involving these persons or entities, even though they did not meet the \$10,000 threshold of the Code. If you are concerned about

¹ Sec. 2-443(a)(1), (4), & (5)

² 2-443(c)

³ Sec. 2-442

⁴ While each issue coming before the BRPZB will need to be examined individually for any conflict issues, this prohibition would apply where the matter would ultimately result in your customer or client receiving a special financial benefit.

the potential appearance of impropriety, you may choose to abstain from voting on or participating in the matter or at minimum disclose your business relationship prior to any vote or participation.

Additionally, while the Code does not restrict your representation in this factual scenario, you are reminded that no person or entity may give, offer, or promise a gift to any public official, and no official may accept or agree to accept a gift, if the gift is given or received because of any official action or legal duty performed, to be performed, or violated by the official.⁵ Finally, you are also reminded that public officials are prohibited from using their official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others.⁶ Corruptly means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act which is inconsistent with the proper performance of the official's duties.⁷

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, 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;
 - (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;
- (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

⁵ Sec. 2-444(e), Gift law.

⁶ Sec. 2-443(b), Corrupt misuse of official position

⁷ Id.

to the requirements of Florida Statutes, Sec. 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,



Christie Kelley,
Executive Director

RG/gl