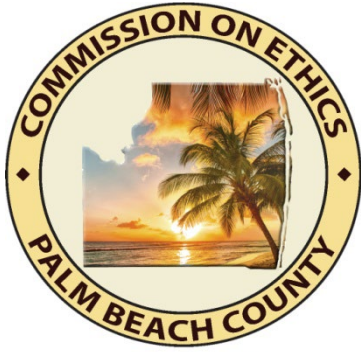




Honesty - Integrity - Character

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

Rodney G. Romano

Alan I. Blass

Peter L. Cruise

Michael H. Kugler

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 3, 2026 – 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 6, 2026
- VI. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 26-017
- 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 6, 2026

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

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

Rodney G. Romano, Chair
Alan I. Blass, Vice Chair
Peter L. Cruise
Michael H. Kugler
Kristin A. Vara-Garcia

COMMISSION ON ETHICS STAFF PRESENT:

Rhonda Gieger, COE General Counsel
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
S. Lizbeth Martin, COE Communication and Education Manager

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

Samantha Giarratana, Board Meetings Specialist

I. Call to Order

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

II. Pledge of Allegiance

Commissioner Vara-Garcia led the Pledge of Allegiance.

III. Roll Call

All members were present.

IV. Introductory Remarks

No introductory remarks were made.

V. Approval of Minutes from July 9, 2026

MOTION to approve the minutes. Motion by Commissioner Kugler, seconded by

Commissioner Vara-Garcia, and carried 5-0.

(CLERK'S NOTE: Item VII was taken up at this time.)

VII. Items Pulled from Consent Agenda

No items were pulled from the consent agenda.

(CLERK'S NOTE: Item VI was taken up at this time.)

VI. Processed Advisory Opinions (Consent Agenda)

- a. RQO 26-014
- b. RQO 26-015
- c. RQO 26-016

MOTION to approve the consent agenda. Motion by Commissioner Kugler, seconded by Vice Chair Blass.

RECESS

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

RECONVENE

At 2:00 p.m., the meeting reconvened with Chair Romano, Vice Chair Blass, Commissioner Cruise, and Commissioner Vara-Garcia present.

(CLERK'S NOTE: For clarification, the vote for Item VI was retaken at this time.)

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

VIII. Executive Session C26-001

Vice Chair Blass read the following final order into the record:

In re: Peggy Wheeler

C26-001

Complainant, DD Halpern, filed the above-referenced complaint alleging that Respondent Peggy Wheeler, former Mayor for the Town of Juno Beach, may have violated Section 2-443(b), Corrupt misuse of official position, and/or Section 2-445(i), Disclosure or use of certain information, of the Palm Beach County Code of Ethics (Code) by improperly using her official position to secure or attempt to secure a benefit or

privilege for herself and/or disclosing or using information not available to members of the general public and gained by reason of her official position for her personal benefit.

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. On August 6, 2026, the Commission conducted a probable cause hearing. After reviewing the Report of Investigation and the Probable Cause Recommendation and hearing statements from the Advocate, Respondent, and counsel for the Respondent, the Commission concluded that probable cause did not exist because there was no evidence that Respondent took any action that violated the Code.

There for it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Peggy Wheeler, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on August 6, 2026.

IX. Executive Director Comments

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

Ms. Kelley reported the following updates:

1.

Staff conducted outreach events with various municipalities and organizations through several presentations and community engagements.

2.

The COE was preparing to renew the Memorandum of Understanding with the Lake Worth Beach Community Redevelopment Agency in October.

X. Commission Comments

1.

In response to Commissioner Cruise's inquiry regarding the procedure for paying legal fees, Ms. Kelley explained the process and stated that the respondent requested that legal fees be paid by the complainant.

2.

Chair Romano announced the birth of a new family member.

XI. Public Comments

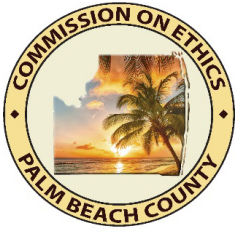
There were no public comments.

XII. Adjournment

At 2:05 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



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Palm Beach County Commission on Ethics

Commissioners
Rodney G. Romano, Chair
Alan I. Blass, Vice Chair
Peter L. Cruise
Michael H. Kugler
Kristin A. Vara-Garcia

Executive Director
Christie Kelley

August 17, 2026

Keith James, Mayor
City of West Palm Beach
401 Clematis
West Palm Beach, FL 33401

Re: RQO 26-017
Outside Employment

Dear Mayor James,

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:

What restrictions does the Palm Beach County Code of Ethics (Code) place on you as an elected official when you, in your private capacity, begin the process of starting an outside business that intends to partner with a venture capital firm?

BRIEF ANSWER:

Based on the facts presented, the Code does not place restrictions on this business venture as long as the guidance in this opinion is carefully followed.

FACTS:

You are the mayor of the city of West Palm Beach (City). Your current term ends on April 1, 2027, and you do not plan to run for public office in the next election. You have recently formed a general partnership with two other individuals. Using this partnership, you intend to collaborate with a venture capital firm where you will begin to fundraise in September of 2026, prior to the end of your mayoral term.¹

When your participation in this partnership is publicly announced, you will not use your elected title of mayor, nor will you reference your current position with the City. Any documents that reference you will simply list that you have been in public service for over 16 years. You will not receive any compensation until a specific fundraising goal has been reached. You estimate that this will not occur until after you have left public office in April of 2027. Prior to the end of your mayoral term, all solicitations will be undertaken by your two business partners, even if the contact information originates with you. Additionally, you will not receive commissions or referral fees based on the referral of potential investors.

¹ The partnership and the venture capital firm are two separate business entities.

Neither your business partners nor the venture capital firm are vendors of the City, nor are you associated with them because of your position as mayor.

ANSWER:

As an elected official, Section 2-443(a) of the Code prohibits you from using or attempting to use your official position to give a special financial benefit that is not shared with similarly situated members of the general public to yourself or specified persons or entities, including your outside business or a customer or client of your outside business.² The Code defines a customer or client as a person or entity to which your outside business has supplied goods or services during the previous 24 months in excess of \$10,000.³

Therefore, you must take great care not to use, or attempt to use, your governmental position in any way to give a special financial benefit to yourself, your outside business, or the customers or clients of your outside business. This includes using your position with the City to influence another person to take or fail to take some action that would give a special financial benefit to your outside business or its customers or clients, soliciting business during your City work commitments, or identifying yourself as mayor on any written or verbal communication to attempt to obtain an investor or customer. Additionally, if you provide your business partners with contact information for potential investors, you may not use or provide any confidential or nonpublic governmental information, information obtained through City databases, or information obtained as a result of your position as mayor.

Additionally, you are prohibited from participating in or voting on any matter that would result in a special financial benefit being given to the same prohibited entities. "Participate" means taking any action, attempting to take any action, or influencing others to take any action, in order to affect whether a specific matter before the voting body is passed or defeated when the official is required to abstain from voting. Based on the facts provided and considering that as mayor you are only called upon to vote to break a tie, a matter requiring your abstention may be unlikely. Nevertheless, you must remain mindful of this prohibition. A prohibited conflict of interest would also arise if you were to use your official position to assist a customer or client of your outside business on any project needing approval from the City Commission or any City department.

Prior to leaving office, while representing your outside business, a portion of your duties will include identifying potential investors and facilitating fundraising for the partnership or the venture capital firm. While performing these activities, you are prohibited from lending your name and official title as mayor or otherwise referencing your position with the City to any fundraising, sponsorship, or partnership efforts on behalf of your outside business as doing so would constitute an improper use of your elected office to give a special financial benefit to a prohibited entity.⁴ Accordingly, while you remain in office, you must not use, or attempt to use, your position as mayor, the authority or influence of your office, or access gained through your public position to benefit your outside business or its customers or clients. This prohibition applies to both you and anyone directly or

² Sec. 2-443(a)(1-7), Misuse of public office or employment.

³ Sec. 2-442

⁴ RQO 12-081

indirectly soliciting on your behalf. Therefore, your business partners may not identify you by your official title of mayor, represent you as the current mayor, or otherwise use your position as mayor in connection with any solicitation, fundraising, or other business activity on behalf of the partnership. Accordingly, your participation in these activities while you remain in office must therefore be limited to your personal capacity and may not involve the use of your title, position, authority, influence, or any other connection to your role as an elected official.

Additionally, the Code prohibits an official or his or her outside business from entering into a contract or other transaction for goods or services with his or her municipality.⁵ Thus, as long as neither you nor your outside business enter into any contracts or other transactions for goods or services with the City, directly or indirectly, and you conduct your outside business activities on your personal time and separate from your City work obligations, you will not be in violation of the prohibited contractual relationships provision of the Code.

Finally, apart from the possible conflicts discussed above, your ongoing obligations under the Code remain unchanged. Accordingly, the following guidance is provided as a general reminder. As an elected official, you are prohibited from using your official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for yourself or others, including your outside business or a customer or client of your outside business.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 your public duties.⁷ Additionally, you may not give or receive any quid pro quo or other benefit in exchange for an official act or the past, present, or future performance of a public duty.⁸

LEGAL BASIS:

The legal basis for this opinion is found in Sections 2-443(a), (c), and (d) 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;
 - (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;

⁵ Sec. 2-443(d), Contractual relationships

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

⁷ Id.

⁸ Sec. 2-444(e), Gift law.

- (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).
- (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. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public.

This opinion construes the Palm Beach County Code of Ethics Ordinance based solely on the facts and circumstances you have submitted. The Palm Beach County Commission on Ethics does not investigate or verify those facts and circumstances but assumes they are true for purposes of this advisory opinion. This opinion does not address potential conflicts under state law. Questions regarding the application of state ethics laws should be directed to the State of Florida Commission on Ethics.

Sincerely,



Christie Kelley,
Executive Director

RG/gl