Honesty - Integrity - Character

Agenda

October 1, 2026 – 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

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Introductory Remarks

V. Approval of Minutes from September 3, 2026

VI. Processed Advisory Opinions (Consent Agenda)

   a. RQO 26-018

   b. RQO 26-019

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

SEPTEMBER 03, 2026

THURSDAY **COMMISSION CHAMBERS**
1:30 P.M. **WEISMAN GOVERNMENTAL CENTER**

MEMBERS:
Rodney G. Romano, Chair
Allan I. Blass, Vice Chair
Peter L. Cruise
Michael H. Kugler
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 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 1:30 p.m.

II. Pledge of Allegiance

Commissioner Cruise led the Pledge of Allegiance.

III. Roll Call

Present: Chair Romano, Vice Chair Blass, Commissioner Cruise, and Commissioner Vara-Garcia

Absent: Commissioner Kugler

IV. Introductory Remarks

No introductory remarks were made.

V. Approval of Minutes from August 6, 2026

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

VI. Processed Advisory Opinions (Consent Agenda)

a. RQO 26-017

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

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.

Staff participated in outreach events at various municipalities in August.

2.

Staff also participated in events at the Rotary Club of Palm Beach and at the Junior Achievement Fair, providing an opportunity for the COE to reach audiences outside of the usual government training sessions and to increase awareness of the ethics initiatives in Palm Beach County.

3.

The COE's *Top Ten Ethics Rules Pocket Guide* has been updated. It was designed to serve as a quick, convenient reference for elected officials, employees, and members of the public, providing easy access to key ethics rules in a portable format.

Janet Rodriguez from Public Affairs was thanked for her assistance with designing the *Pocket Guide*.

UNSCHEDULED ADMINISTRATIVE ITEM

Ms. Kelley reported that the respondent Peggy Wheeler in Case No. C26-001 filed a motion requesting attorneys' fees from the complainant. That morning, staff also received an unopposed motion from the complainant requesting a 10-day extension to respond to the respondents' motion, which both parties had agreed upon.

Ms. Kelley explained that, because this was a procedural matter related to an ongoing quasi-judicial proceeding, staff recommended that the commission approve the requested extension. She then requested a motion from the commission to grant the unopposed extension and adopt the revised timeline for Ms. Halpern to submit her response.

Motion to grant the unopposed motion for an extension of time and to adopt the agreed-upon revised timeline for the complainant's response. Motion by Commissioner Vara-Garcia, seconded by Vice Chair Blass, and carried 4-0.

Ms. Kelley presented a proposed order and noted that a motion was required by the commission.

Motion to approve the Proposed Order. Motion by Commissioner Cruise, seconded by Commissioner Vara-Garcia, and carried 4-0.

IX. Commissioner Comments

Vice Chair Blass expressed that he enjoyed his family's visit from Israel.

X. Public Comments

There were no public comments.

XI. Adjournment

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

APPROVED:

____
Chair/Vice Chair

Palm Beach County Commission on Ethics

Honesty - Integrity - Character

September 24, 2026

Eric Clark, Special Operations Captain
Palm Beach County Fire Rescue, Station 34
322 N. Central Blvd
Jupiter, FL 33458

Re: RQO 26-018
Outside Business/Conflict of Interest

Dear Captain Clark,

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, as a Palm Beach County Fire Rescue (PBCFR) employee, from owning a therapy business that provides trauma and mental health services to first responders, where the business may treat PBCFR employees, establish a referral relationship with a Palm Beach County vendor, and receive payment from the County-funded employee health plan?

BRIEF ANSWER:

Based on the facts presented, the Code does not prohibit you from owning such a business as long as the guidance in this opinion is carefully followed.

FACTS:

You are a Special Operations Captain in Battalion 9 with PBCFR. Your general duties include oversight of Station 34's B-shift. Additionally, you are responsible for training the assigned crew, tracking task books, checking reports and overseeing calls on scene.

Outside of your duties with PBCFR, you are a co-founder of Echoes Trauma Center (ETC), a trauma-focused wellness clinic that is under development in the Delray Beach/Boca Raton area. You have formed a full business plan and are working toward the required licensing, after which you intend to open the business to the public. The clinic will offer a variety of therapies and counseling, with a specific focus on first responders, veterans, and self-pay clients. Along with the clinic, you are also developing a companion nonprofit that will subsidize care for first responders and veterans. Two additional business relationships are part of this structure: eTMS Florida will operate within the clinic as the sole eTMS provider. Additionally, Sanctuary Healthcare, an existing ketamine clinic, is merging with the clinic and will serve as the sole provider of all ketamine treatments.[1]

You are involved in ETC solely as a partner in the business. You will not, in any capacity, be treating or seeing clients, participating in their healthcare, or having any involvement in clinical or healthcare decisions. All clinical care is handled exclusively by licensed clinical staff. Your role is limited strictly to the business side of the organization.

You have noted some specific areas of possible concern that you would like to ensure are addressed in this opinion.

First, you acknowledge that there will be some employer/employee overlap. ETC anticipates it will treat employees of PBCFR, as well as employees of other fire departments. As a current PBCFR captain and part-owner of the business, you recognize this creates a direct question about whether your ownership interest conflicts with your public employment, since the clinic will be doing business with, and benefiting from, your own employer's workforce.

Second, you are concerned about ETC's possible relationship with Employee Assistance Programs (EAP), particularly Coastal Wellness and Therapy. ETC is in discussions to establish a referral relationship with Coastal Wellness and Therapy. Coastal Wellness is PBCFR's current EAP provider. You are concerned about the crossover in these relationships and want to ensure that a referral partnership between ETC and Coastal Wellness does not create an ethical conflict. Essentially, your outside business will partner with the same organization that serves as your governmental employer's EAP.

Finally, there will likely be an overlap of insurance and/or benefits. You currently have health insurance provided by PBCFR. If ETC were to treat PBCFR employees under that same plan, you want to ensure that the possibility of a conflict is disclosed, especially considering you will be both a covered plan participant and a business owner potentially billing the same insurance company that you benefit from.

You have not taken, and will not take in the future, any official action in your capacity as a PBCFR captain that could benefit ETC including involvement in vendor decisions, referrals, wellness program recommendations, or anything that intersects with the department's relationship with ETC or Coastal Wellness.

[1] eTMS provides electroencephalogram transcranial magnetic stimulation. Sanctuary Healthcare provides intravenous (IV) ketamine infusion therapy for conditions like treatment-resistant depression, anxiety, PTSD, and chronic pain.

ANSWER:

While the Code generally does not prohibit you from owning an outside business while employed with PBCFR, 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 an "outside business" as any entity located in the County, or which does business with or is regulated by the County or a municipality as applicable, in which the official or employee has an ownership interest.[3] ETC is therefore considered your outside business. The Code defines a customer or client as a person or entity to which your outside business has supplied goods or services in excess of $10,000 during the previous 24 months.[4]

Accordingly, you must take great care not to use, or attempt to use, your public position in any way to give a special financial benefit to yourself, ETC, or ETC's customers or clients. This includes using your position with the County to refer, recommend, or otherwise direct PBCFR employees or other first responders to ETC; soliciting business during County work time; or using your PBCFR title, position, authority, or influence in connection with its business activities. You are also prohibited from using your County title or any reference to your County position in any of ETC's marketing, awareness, or partnership efforts, as doing so would constitute an improper use of your public employment to give a special financial benefit to a prohibited entity.[5]

This prohibition also extends to anyone acting on your behalf. Therefore, your business partners may not identify you by your official title or otherwise use your County position in connection with any ETC business activity. Accordingly, your participation in any of these activities while you remain an employee of PBCFR must 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 with PBCFR. Additionally, you may not use or provide any confidential or nonpublic governmental information, information obtained through internal County databases, or information obtained as a result of your position with PBCFR for the benefit of ETC.

Additionally, Section 2-443(d) of the Code prohibits an employee or his or her outside business from entering into a contract or other transaction for goods or services with his or her public employer, unless an exception under Section 2-443(e) applies.[6] Accordingly, neither you nor ETC may enter into any direct or indirect contract or transaction for goods or services with the County unless an exception applies.

[2] Sec. 2-443(a)(1-7), Misuse of public office or employment.
[3] Sec. 2-442, Definitions.
[4] Id.
[5] RQO 12-081
[6] Sec. 2-443(d), Contractual relationships

Moreover, the COE has previously held that Section 2-443(d) also prohibits an employee's outside business from entering into any contractual relationships with a vendor of his or her public employer if the outside business would be providing goods or services to the public employer through that contract.[7] For example, in prior advisory opinions, the COE has found indirect contractual relationships where a County employee's outside business performed work as a subcontractor on a County project and where a County employee's outside business supplied goods to a County-funded entity using County funds to purchase those goods. In those instances, because the County or a County-funded entity was the ultimate purchaser and recipient of the goods or services, this created a prohibited indirect contract with the County and violated the Code.[8]

Turning to your specific concerns, the first involves ETC providing services to PBCFR employees. As discussed above, while the Code prohibits a County employee's outside business from entering into a contractual relationship with the County, it does not prohibit the County employee's colleagues from patronizing his or her outside business. Therefore, a prohibited contractual relationship would not exist if PBCFR employees, in their private capacity, choose to enter into a contract or transaction for goods or services with ETC. In this situation, ETC would be providing its services to the employees, not to the County.

The analysis is similar when addressing the second concern involving ETC's proposed referral relationship with Coastal Wellness, a County vendor. As discussed above, the Code only prohibits a County employee's outside business from entering into a contract with a County vendor when the contract would result in the County receiving goods or services through that contractual relationship. The mere fact that an entity is a vendor of the County does not, by itself, make every transaction between that vendor and an employee's outside business a prohibited contractual relationship with the County. The relevant question is whether the arrangement results in the County receiving goods or services from an employee's outside business.

Here, under this proposed referral arrangement, Coastal Wellness could refer individual clients to ETC. Those clients, not the County, would receive the goods or services from ETC. Because the County would not be receiving any services from ETC as a result of the referral relationship with Coastal Wellness, ETC's proposed referral relationship with Coastal Wellness is not prohibited by Section 2-443(d).

The third concern involves the potential overlap between ETC and your PBCFR insurance benefits through UMR/UHC. As an employment benefit attached to your service with PBCFR, you are provided health insurance administered through UMR, a third-party administrator that is owned by UHC.[9] UMR is not an actual insurance company; it is

[7] RQO 10-038, RQO 16-001, RQO 16-006, RQO 19-019, RQO 22-026
[8] Id.
[9] Generally, employees have options as to coverage levels which change the amount of the employee contribution to their insurance coverage. Additionally, patients typically have a co-pay for any medical appointments.

retained by self-insured employers and government entities, including the County, to administer their health benefits plans. Both UMR and UHC have a contractual relationship with the County.

You are concerned that, if ETC treats PBCFR employees covered under the County-funded health plan, a potential conflict could arise from your dual role as a participant in the insurance plan and as the owner of a business that may receive payment from UMR/UHC, a County vendor, for those services. Therefore, we must determine whether ETC receiving payment from UMR/UHC for treatment of PBCFR employees constitutes a prohibited indirect contractual relationship.

At first glance, this arrangement resembles an indirect contract between ETC and the County, with UMR/UHC acting as an intermediary.[10] However, this situation is different from situations in which the COE has found a prohibited indirect contract because when a PBCFR employee becomes a client of ETC, the primary contractual relationship is between the patient and ETC. The patient, not the County, is receiving the services. Although the County funds the health plan and that plan may pay ETC for covered services, the County is not the recipient of the services and has no role in selecting ETC as the provider. Simply put, the County is funding a health benefit available to eligible PBCFR employees, while the employees independently obtain covered services from the provider of their choice. Further, when the client independently chooses to receive therapy services from ETC, UHC will be the final decision maker as to whether the claim will be paid as part of the covered patient's insurance plan.

The COE recognizes that the relationship between ETC, UMR/UHC, and the County is not entirely disconnected. However, based on the facts presented, the County is not the ultimate purchaser or recipient of ETC's services, and the payment of benefits through the employee's health plan does not, by itself, create an indirect contractual relationship within the meaning of Section 2-443(d) between ETC and the County. While the likelihood of a conflict of interest increases as a public employee's outside business becomes more directly connected to a transaction involving the public employer, the connection here between ETC and the insurance payment is sufficiently attenuated. Accordingly, the Code does not prohibit the arrangement described in this opinion. Because this conclusion is based on a careful review of these specific facts, the conclusion is limited to the specific facts and should not be construed to apply to different contractual or payment arrangements.

Finally, although the Code does not prohibit you from owning ETC under the facts provided, your ongoing obligations as a PBCFR employee remain unchanged, and the following guidance is provided as a general reminder. As a public employee, you may not give or receive any quid pro quo or other benefit in exchange for an official act or the past,

[10] The COE recognizes that the health insurance provided by the County has different levels, types of coverage, and providers. For the purpose of the analysis in this opinion, the COE has considered UHC to be the primary vendor even though UHC utilizes a variety of TPA.

present, or future performance of a public duty.[11] You are also reminded that public officials and employees are prohibited from using their official positions to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others, including ETC.[12] 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.[13]

This opinion addresses only the requirements of the Code and does not address or encompass other County policies, procedures, or requirements that may apply.

LEGAL BASIS:

The legal basis for this opinion is found in Sections 2-443(a) 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, or attempt to do any of those 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;

(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.

[11] Sec. 2-444(e), Gift law.
[12] Sec. 2-443(b), Corrupt misuse of official position
[13] Id.

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

Palm Beach County Commission on Ethics

Honesty - Integrity - Character

September 21, 2026

Stephanie Marsh-Corinthian
Assistant Department Director
Palm Beach County Water Utilities
8100 Forest Hill Blvd
West Palm Beach, Florida 33413

Re: RQO 26-019
Nepotism

Dear Ms. Marsh-Corinthian

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 anti-nepotism provision of the Palm Beach County Code of Ethics (Code) prohibit you from working or acting in a supervisory capacity within the same section as an employee who will soon become your son-in-law when that employee falls within your overall organizational responsibilities?

BRIEF ANSWER:
No, provided certain conditions are met. The Code's anti-nepotism provision generally does not preclude the continued employment or advancement of individuals who are currently employed with the same governmental agency when a familial relationship later occurs. It also does not require the discharge of a person who becomes a relative after employment is established. Therefore, the Code does not prohibit you from working or acting in a supervisory capacity within the same section as the employee when he becomes your son-in-law as long as you carefully follow the guidance in this opinion, including exercising no control over your son-in-law's employment or potential promotion and abstaining from advocating for any promotion for him in the future.

FACTS:
You are employed with Palm Beach County (County) in the Water Utilities Department (WUD) as an Assistant Department Director. You are third in the chain of command within the WUD, having a Deputy Director and the Department Director above you in supervisory positions. Your future son-in-law was recently hired by the WUD and falls under your overall organizational responsibilities, although you are not in charge of his day-to-day supervision. Ultimately, there are several levels of supervision between you, as Assistant Department Director, and him, including Crew Chief, Supervisor, Superintendent, Manager, and Division Director.

Your future son-in-law has worked in the WUD since June of 2026. You did not participate in the interview or selection process for his position.

You are requesting confirmation that it will be possible for your future son-in-law to remain employed with the WUD once he is considered a relative, and if so, what you must do to remain in compliance with the Code.

ANSWER:

The anti-nepotism provision of the Code prohibits an official from appointing, employing, promoting, or advancing a relative to a position in the County where the official exercises jurisdiction or control.[1] The official is also prohibited from advocating for a relative's appointment, employment, promotion, or advancement.[2] Importantly, however, this provision does not require the discharge of a person who becomes a relative of the official after employment is already established.[3] For purposes of the anti-nepotism provision, a son-in-law is considered a relative, and an "official" is defined as a public official or employee who is vested by law, rule, regulation, or delegation with authority 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.[4]

Section 2-445 of the Code is identical to the anti-nepotism provision in the Florida Code of Ethics.[5] In simple terms, the provision addresses appointment, employment, promotion, or advancement. It does not prohibit relatives from working together or one relative from supervising another.[6] Rather, this provision prohibits an official who has, or has been delegated, the authority to appoint, employ, promote or advance employees from taking any of those actions with respect to a relative.

As an Assistant Department Director, you may be involved in the day-to-day operations and decision-making processes within the WUD, but you do not have the ultimate authority to appoint, promote, or advance employees 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.[7] However, the County Administrator has delegated that authority by rule or regulation to certain senior-level staff.[8] For your department, that authority has been delegated to the Director of WUD. Thus, while you may have input into personnel matters, you are not the official vested with authority to appoint, employ, promote, or advance employees, and you have not otherwise been given such authority by law, rule, or regulation.

The Code also prohibits an official from using his or her official position to advance or otherwise advocate for a relative's promotion. Accordingly, you must take care not to use your position to recommend or otherwise advocate for the promotion or advancement of this employee when he becomes your son-in-law should he seek a promotion or new position within the County. For example, this would include serving on a selection committee or interview panel when he is a candidate for a promotion or otherwise providing a recommendation or endorsement that could influence the decision to appoint, promote, or advance him.

As long as you carefully follow the guidance in this opinion, the Code does not prohibit you from working or acting in a supervisory capacity within the same section as the employee when he

[1] Sec. 2-445. Anti-nepotism law.
[2] Id.
[3] RQO 13-015
[4] Sec. 2-445. Anti-nepotism law.
[5] Fla. Stat. 112.3135
[6] CEO 96-13; RQO 13-015.
[7] Palm Beach County Code: Chapter 2, Article 2, Sec. 2-20
[8] Palm Beach County PPM#CW-P-004

becomes your son-in-law. This guidance addresses only the requirements of the Code and does not address or encompass other County policies, procedures, or requirements that may apply.

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.

Sincerely,

Christie Kelley
Executive Director
RG/gal