Honesty - Integrity - Character

Agenda

November 5, 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

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

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Introductory Remarks

V. Approval of Minutes from October 1, 2026

VI. Processed Advisory Opinions (Consent Agenda)

- a. RQO 26-020
- b. RQO 26-021

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

OCTOBER 1, 2026

THURSDAY **COMMISSION CHAMBERS**
1:30 P.M. **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
Gina Levesque, COE Intake and Compliance Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:
Karla Perez, Deputy Clerk

I. Call to Order

The chair called the meeting to order at 1:38 p.m.

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

III. Roll Call

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

Absent: Commissioner Cruise

II. Pledge of Allegiance

Commissioner Kugler led the Pledge of Allegiance.

III. Roll Call

See earlier in minutes.

IV. Introductory Remarks

No introductory remarks were made.

V. Approval of Minutes from September 3, 2026

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

VI. Processed Advisory Opinions (Consent Agenda)

a. RQO 26-018

b. RQO 26-019

MOTION to approve the consent agenda. Motion by Commissioner Vara-Garcia, seconded by Vice Chair Blass, 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 the County Department Fair at the Lantana Road Branch Library.

2.

Staff conducted in-person training at the Delray Beach Housing Authority and the Delray Beach Community Redevelopment Agency (CRA).

3.

The Ofiffce of Inspector General's (OIG) meeting would follow the COE's meeting in November.

IX. Commission Comments

Chair Romano shared that his family had expanded, welcoming a newborn, and noted that the family was doing well.

X. Public Comments

There were no public comments.

XI. Adjournment

At 1:41 p.m., the chair declared the meeting adjourned.

APPROVED:

_____
Chair/Vice Chair

Palm Beach County
Commission on Ethics

Honesty - Integrity - Character

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

Executive Director
Christie Kelley

October 6, 2026

John W. Szerdi
LDG Florida Architects, Inc.
P.O. Box 288
Lake Worth Beach, FL 33460

Re: RQO 26-020
Outside business/Conflict of interest

Dear Mr. Szerdi,

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:
As a Lake Worth Beach Community Redevelopment Agency (CRA) board member, does a conflict of interest arise under the Palm Beach County Code of Ethics (Code) if a prospective client of your outside business has a matter come before the CRA board?

BRIEF ANSWER:
Yes, based on the facts provided, a conflict would arise if a prospective customer or client of your outside business were to come before the CRA board. Because of this, you must carefully follow the guidance provided in this opinion.

FACTS:
You are currently a CRA board member. You are also an architect and owner of LDG Florida Architects, Inc. (LDG), a local, family-owned business that provides integrated architecture services for residential, commercial, and institutional projects, including feasibility studies, architecture, property research, site plan analysis and development, and approvals.

A developer has reached out to you regarding a property in the City of Lake Worth Beach (City) and has expressed an interest in engaging your outside business to provide architectural services in connection with the proposed project. The developer is proposing the development of a multi-family apartment building on the site. Thus far, the development of this property has not been brought before the CRA, nor has it been discussed during any CRA meeting.

Your question concerns whether a potential conflict of interest would arise if the developer were to submit a proposal to purchase the property and then engage your outside business to assist with the proposal package for the CRA's consideration. Neither you nor your firm would have any ownership stake in the project. However, the developer will likely hire your firm for the conceptual design portion of their unsolicited proposal to buy the property. You have not done any business with this developer previously, and they are not a current client of your outside business.

You understand you would need to recuse yourself from any board discussion or vote regarding this property for as long as the potential for personal benefit is attached to the property. Ultimately, if the developer successfully buys the property, your firm will likely be the architectural firm engaged for the entire project.

You want to ensure you take all steps necessary to avoid any potential conflict of interest throughout the proposal/purchase/development process given your position as a board member of the CRA.

ANSWER:

The Code prohibits a public official from using his or her official position in any manner, including influencing or attempting to influence others to take some action, to give a special financial benefit to specified persons or entities.[1] The Code also prohibits a public official from participating in discussions or voting on a matter which would give a special financial benefit to the same specified persons or entities.[2] Among those specified persons or entities is the official, the official's outside business, or a customer or client of the official's outside business. A customer or client is any entity to which an official's outside business has supplied services of more than $10,000 during the previous 24 months.[3]

In the context of the Code, financial benefit constitutes economic gain or loss.[4] In determining whether an action would result in a special financial benefit being given to a person or entity, the COE has held that any such financial benefit must be direct and immediate, rather than remote and speculative.[5] Similarly, the Florida Commission on Ethics has also determined that where there is uncertainty at the time of a vote as to whether a measure directly affects a person or entity, any private gain or loss based on the vote is remote and speculative, thus the official would not be precluded from casting such a vote.[6]

Based on the facts provided, if the developer successfully purchases the property, your understanding is that your firm will be engaged as the architectural firm for the entire project, from initial concept through completion. Here, although the developer is not yet a

[1] Sec. 2-443(a), *Misuse of public office or employment*
[2] Sec. 2-443(c), *Disclosure of voting conflicts*
[3] Sec. 2-442, *Definitions*
[4] RQO 10-013
[5] RQO 12-063
[6] CEO 85-77; CEO 05-15; CEO 91-61; CEO 12-19

customer or client of LDG, the likelihood of a financial benefit to your firm if the property sale is approved is not remote and speculative; therefore, a conflict of interest exists. In light of this, you are prohibited from using your official position as a CRA board member in any way in connection with the project, including influencing or attempting to influence others to take or refrain from taking action, participating in discussions, or voting on any matter related to the purchase, sale, or development of the property in question. When faced with this voting conflict, you must publicly disclose the nature of the conflict before the CRA discusses the issue, refrain from participating in the discussions and voting on the matter, and file a state voting conflict Form 8B with the clerk and submit a copy to the COE.[7] Although it is not currently contemplated, if the property is sold as anticipated but LDG is not hired to participate in the project, LDG would no longer have the potential to receive a special financial benefit from the project. In that circumstance, the conflict would no longer exist, and you would no longer be required to abstain from participating in discussions or voting on matters related to the property.

Finally, the following guidance is provided as a general reminder. As a public official, 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] 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 your outside business or a customer or client of your outside business.[9] 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.[10]

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

[7] Sec. 2-443(c), *Disclosure of voting conflicts*
[8] Sec. 2-444(e), *Gift law*
[9] Sec. 2-443(b), *Corrupt misuse of official position*
[10] Id.

(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."

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 assumes 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

Palm Beach County Commission on Ethics

Honesty - Integrity - Character

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

Executive Director
Christie Kelley

October 30, 2026

Resnick Hampton, Compliance Inspector
Department of Housing and Economic Development
Palm Beach County Board of County Commissioners
100 Australian Avenue - 5th Floor
West Palm Beach, FL 33406

Re: RQO 26-021
Outside Business/Contractual Relationships

Dear Mr. Hampton,

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 (County) employee, from (1) selling or licensing to the County, or allowing the County to use free of charge, a software platform you created outside of your County employment; (2) accepting a County position to manage that platform while retaining ownership of it; or (3) selling or licensing the platform to other governmental entities?

BRIEF ANSWER:

Generally, the Code prohibits you and your outside business from entering into a contract or transaction, directly or indirectly, with the County, unless an exception applies. Because no exception appears to apply here, you may not sell or license the platform to the County. Allowing the County to use it for free would likely still constitute a prohibited transaction and could also result in a special financial benefit to you or your outside business. However, the Code does not prohibit you from selling or licensing the platform to other governmental entities, provided you follow the guidance in this opinion.

FACTS:

You are a Compliance Inspector with the Department of Housing and Economic Development (HED). On your own time and initiative, you built a software platform that manages housing rehabilitation inspections. Several other platforms are available that could meet the County's needs for managing housing rehabilitation inspections. You have shared this program with County leadership, who may be interested in using it as a platform within the County. Before proceeding with this opportunity, you want to ensure that any future actions comply with the Code.

You built the HED Inspection Management System (IMS) on your personal computer using your own software accounts. All work on the IMS was completed on your personal time, outside of your County work hours. You did not use any County data; the demonstrative model uses only fictional sample data. You developed the IMS on your own initiative; it was not a task assigned by a supervisor and is not part of your job duties as a Compliance Inspector.

You recently presented the IMS to County leadership, HED managers and directors, and the Office of Technology and Innovation (OTI). You received positive feedback on the program and believe the County may wish to implement the program for internal use. You have not entered into a formal agreement with the County regarding the IMS and have not provided the County with the source code or administrative access to the system. You plan to form an LLC that would own and manage the software. The sale or licensing price for the IMS would likely exceed $500.

You specifically want to know:
1. Can you, or a company you own, sell or license this system to the County?
2. If you may not sell or license the system to the County, may you allow the County to use it free of charge?
3. If the County creates a position to manage the IMS, would you be allowed to accept that position while retaining ownership of the software? If so, what steps, if any, could you take to comply with the Code?
4. Would your company be allowed to sell or license the system to other counties, cities, or housing agencies, excluding the County? If so, are there steps you would need to take to comply with the Code's outside employment requirement?

You have noted that you would like to leverage HED's potential adoption of the IMS into an opportunity to transition into a technology role with OTI, where you would remain the primary contact for implementation and maintenance. Additionally, you want to retain ownership of the platform for future commercial use.

ANSWER:

Section 2-443(d) of the Code prohibits public officials or employees, their outside business, or their outside employer from entering into a contract or other transaction for goods or services, directly or indirectly, with their public employer, unless an exception applies.[1] The Code defines an "outside business" as any entity in which the official or employee has an ownership interest and that is located in the County or does business with or is regulated by the County or a municipality as applicable. Therefore, both you and your outside business would be prohibited from entering into any contract or other transaction with the County unless at least one of the exceptions listed in Section 2-443(e) applies. Additionally, the COE has previously held that Section 2-443(d) also prohibits you or your outside business from entering into any contractual relationships with a vendor of the County if you would be providing goods or services to the County through that contract.[2] This would create an indirect contract between you and the County and

[1] Sec. 2-443(d), *Contractual relationships;* Sec. 2-443(e), *Exceptions and waiver*
[2] RQO 10-038, RQO 16-001, RQO 16-006, RQO 19-019

would violate the Code. The Code also prohibits public officials or employees from using official work time or resources, software, or equipment in furtherance of their outside employment or outside business activities.[3]

You have presented a thorough summary of the benefits of the IMS, noting that it contains certain factors that are absent in other commercial programs. However, you have also indicated that there are several applications on the market that are available for use by the County. Based on the facts provided, none of the exceptions appear applicable to your proposed sale or licensing of the IMS to the County. In particular, the transaction would not qualify as a sole source purchase or as a contract for less than $500 per year. The remaining exceptions likewise do not appear to apply to the proposed transaction. Accordingly, neither you nor your outside business may enter into a contract or other transaction with the County for the purchase or licensing of the IMS.

You also asked if you could allow the County to use the program free of charge instead of selling or licensing it. Although this may initially appear to be a viable alternative, providing the program free of charge does not make the arrangement acceptable under the Code. Section 2-443(d) prohibits any "contract or other transaction for goods or services" between you or your outside business and the County, and the provision does not turn on whether one party is financially compensated by the other. A no-cost license or use agreement with your LLC would still be an agreement between your outside business and the County; therefore, it would be a prohibited transaction unless an exception applies. Further, any arrangement that includes paid maintenance, support, or other services would also be prohibited.

Even if the County's use of the IMS were structured in a way that does not constitute a prohibited contractual relationship, Section 2-443(a) would still apply. As a County employee, Section 2-443(a) of the Code prohibits you from using or attempting to use your official position to secure a special financial benefit that is not shared with similarly situated members of the general public for yourself or specified persons or entities, including your outside business.[4] Accordingly, you may not use your County position to offer the IMS to the County for free in exchange for a new position, an employment opportunity, or other preferential treatment. You also may not use your official position to influence the County's decision to adopt the IMS for the purpose of obtaining such a benefit. Even if the County does not compensate you for using the platform, an arrangement in which you retain ownership of the IMS while accepting a new position or taking on responsibilities for implementing or managing the program as part of your County job duties will likely violate this provision of the Code. Whether a particular arrangement violates Section 2-443(a) would depend on the facts and circumstances.

As long as the above guidance is followed, the Code does not prohibit you from operating your outside business or providing services to other clients, including other state, federal,

[3] Sec. 2-443(a), *Misuse of public office or employment*; Sec. 2-443(b), *Corrupt misuse of official position*
[4] Sec. 2-443(a), *Misuse of public office or employment*

local, or municipal government entities, excluding the County, which is your public employer. However, if your County employment ends, the contractual relationship prohibition would no longer apply. You could then pursue a vendor relationship with the County, subject to any other applicable provisions of the Code.

Although the Code does not prohibit you from operating this type of outside business in your private capacity, as discussed above, you would have an ongoing responsibility to keep your private business activities separate from your County employment.[5] This would include using your County position in any way to give a special financial benefit to you or your outside business, soliciting business during your County work hours or using your County email, or using your County title or position in any verbal or written communication to solicit business. It should be noted that the Code does not prohibit you from including your County employment and title on your resume as part of describing your professional background and experience. A resume generally summarizes an individual's employment history, qualifications, and education, and merely listing your County position does not constitute a violation of the Code. Finally, you are reminded that you must ensure that you comply with the County's rules regarding outside employment.

This opinion is based on the representations provided, which must be adhered to at all times, and a strict separation between your County employment and outside business activities must always be maintained.

LEGAL BASIS:

The legal basis for this opinion is found in Sections 2-442, 2-443(a), 2-443(d), and 2-443(e) of the Code:

Sec. 2-442. Definitions.

Outside employer or business includes:

(2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.

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

[5] Id.

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;

(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.

(e) ***Exceptions and waiver.***
In addition, no official or employee shall be held in violation of subsection (d) if:
(1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
   a. The official or employee, or his or her relative or household member, has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
   b. The official or employee, or his or her relative or household member, has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
   c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.
(2) An emergency purchase or contract, which would otherwise violate a provision of subsection (d), must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
(3) The outside employer or business involved is the only source of supply within the county or municipality under applicable law or county or municipal policy, and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.

(4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars ($500) per calendar year.

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 assumes 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