

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS
PALM BEACH COUNTY, FLORIDA**

JANUARY 7, 2015

**WEDNESDAY
1:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER**
- II. ROLL CALL**

MEMBERS:

Salesia V. Smith-Gordon, Chair
Michael S. Kridel, Vice Chair – Absent
Clevis Headley
Michael F. Loffredo
Carmine A. Priore

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Senior Investigator
Anthony C. Bennett, COE Investigator
Steven P. Cullen, COE Executive Director
Christie E. Kelley, COE Staff Counsel
Gina A. Levesque, COE Intake Manager

ADMINISTRATIVE STAFF:

Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

- III. INTRODUCTORY REMARKS**

Chair Salesia Smith-Gordon requested that all mobile telephones be silenced.

IV. APPROVAL OF MINUTES FROM NOVEMBER 6, 2014

MOTION to approve the November 6, 2014, minutes. Motion by Clevis Headley, seconded by Michael Loffredo, and carried 4-0. Michael Kridel absent.

RECESS

At 1:35 p.m., the chair declared the meeting recessed for executive session.

V. PROBABLE CAUSE HEARING (EXECUTIVE SESSION)

V.A. C14-007

RECONVENE

At 2:20 p.m., the meeting reconvened with Commissioners Headley, Loffredo, Priore, and Smith-Gordon present. Michael Kridel absent.

Commissioner Clevis Headley read the Public Report Finding No Probable Cause and Final Order of Dismissal:

Complainant, Amy Bock, filed the above-referenced Complaint on August 21, 2014, alleging that Respondent, Wade Byrd, a Florida attorney with offices in Palm Beach County, violated §2-353(a), *Registration and Expenditures: Registration Report* of the Palm Beach County Lobbyist Registration Ordinance.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the Commission on Ethics is empowered to enforce the Palm Beach County Lobbyist Registration Ordinance. On January 7, 2015, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, Legal Sufficiency Determination, Investigative Report, and Probable Cause Recommendation. After an oral statement by the Advocate and discussion by the members, the Commission concluded no probable cause exists to believe any violation occurred.

V.A. – CONTINUED

Therefore it is:

Ordered and Adjudged that the Complaint against Respondent, Wade Byrd, is hereby Dismissed.

Done and Ordered by the Palm Beach County Commission on Ethics in public session on January 7, 2015. By: Salesia V. Smith-Gordon, Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report Finding No Probable Cause and Final Order of Dismissal.)

Chair Smith-Gordon stated that since the lobbyist registration process was discussed in the Executive Session, she wished to invite the executive director to describe for all present the recent advances made to the COE's Web site.

Steven P. Cullen, COE Executive Director, said that:

- The Web site address was www.palmbeachcountyethics.com.
- All COE ordinances, including the lobbyist registration ordinance, could be viewed online.
- Those engaged in lobbying needed to be aware of the definition of lobbying and lobbyist, found in §2-352 of the Lobbyist Registration Ordinance.
 - Online registration as a lobbyist cost \$25.00.
 - A County-maintained database was easy to use, and officials were available to answer questions.
 - The online training for lobbyists would be updated soon.

VI. PROCESSED ADVISORY OPINION (CONSENT AGENDA)

VI.A. Request for Opinion (RQO) 14-039

MOTION to approve the processed advisory opinion letter RQO 14-039. Motion by Carmine Priore, seconded by Michael Loffredo, and carried 4-0. Michael Kridel absent.

VII. ITEMS PULLED FROM THE CONSENT AGENDA – None

VIII. EXECUTIVE DIRECTOR COMMENTS

VIII.A.

DISCUSSED: Advisory Board Update.

Mr. Cullen stated that:

- The RQO 14-039 just approved involved advisory board (board) waivers and disclosures.
- An informational table that was pertinent to board members was recently posted on the COE Web site under the Publications tab. It showed when waivers and disclosures were needed, and when prohibited conflicts of interest may exist.
- Assistant County Attorney Leonard Berger was instrumental in creating the informational table about waivers and disclosures.

Chair Smith-Gordon asked Mr. Cullen to produce and bring back a precise definition of vendor and the time period for which a person was classified as a vendor for Palm Beach County. She said that the current definition was open-ended, and that additional details would provide more definitive direction.

VIII.A. – CONTINUED

DISCUSSED: Ordinance Amendment.

Mr. Cullen reported the following most recent actions on the proposed ordinance amendment for the provision of hearing officers:

- Resumes of the current County-appointed hearings officers were forwarded to COE members in December 2014.
- The County Bar Association (Bar) president advised that its board of directors could discuss the options of either maintaining a pool of officers or appointing them.
- The annual report in production would be available for discussion at the next COE meeting. An ethics bulletin covering gift reporting, charitable solicitations, and recent advisory opinions would be distributed countywide by the staff counsel.
- Comprehensive rules updates would be handed out at the next COE meeting.

IX. COMMISSION COMMENTS

DISCUSSED: Hearings Judges.

Commissioner Priore asked for details surrounding any decision to employ attorneys versus County magistrates to conduct ethics hearings. He said that staff's case preview would determine whether a particular hearing officer faced a conflict of interest in hearing a case, and affect staff's choice of a judge.

Chair Smith-Gordon stated that a decision would arise from discussions between Mr. Cullen and the Bar's president.

Mr. Cullen suggested that the topic become an agenda item for February's meeting to generate discussion and refine the language used in a recommendation to the Board of County Commissioners.

X. PUBLIC COMMENTS – None

XI. ADJOURNMENT

At 2:34 p.m., the chair declared the meeting adjourned.

APPROVED:

A handwritten signature in blue ink, consisting of stylized cursive letters, positioned above a horizontal line.

Chair/Vice Chair