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# News Release

For Immediate Release

Contact:

November 2, 2012

Alan Johnson, Executive Director

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## Summary of Palm Beach County Commission on Ethics Meeting Held on November 1, 2012

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on November 2, 2012.

The COE heard one complaint in executive session. In C12-012, in re: John Greene: The COE made a finding of no probable cause and dismissed the complaint. Full text of the order, investigative materials and letter of instruction are available at <http://www.palmbeachcountyethics.com/complaints.htm>.

The COE heard one complaint in public session. In C12-003, the COE issued a public report and final order finding that Respondent, Mr. J. Jerome Taylor, violated Chapter 8, Article XIII, Section 2-443(b) and (c) of the Palm Beach County Code of Ethics when Respondent, as chairman of the Riviera Beach Housing Authority (RBHA), participated and voted on two reimbursements that resulted in a financial benefit to himself. In addition to voting, Mr. Taylor submitted a false invoice for extermination services including fictitious contact information for the service provider and a false commercial exterminator's license number. Upon receipt of a \$1000 check from the RBHA, Mr. Taylor met with the service provider, who cashed the check in Mr. Taylor's presence and returned \$500 in cash to Mr. Taylor. Mr. Taylor was issued a letter of reprimand and was ordered to pay \$500 in fines and an additional \$500 in restitution to the Riviera Beach Housing Authority.

Three (3) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>

**RQO 12-069:** A vendor of Palm Beach County and various municipalities asked whether a financial institution may continue to provide a complimentary lunch and financial action strategy plan to county and municipal employees, officials and advisory board members, where the plan is also available to any member of the public.

**The COE opined as follows:** A vendor of the County or municipality is prohibited from offering gifts valued in excess of \$100 annually, in the aggregate, to county or municipal staff, officials, or advisory board members. However, the gift law provides an exception for publicly advertised offers for goods and services from a vendor under the same terms and conditions as made available to the general public. Here, where a financial institution contacts, solicits business and provides complimentary lunch and financial action strategy plans to any and all pre-retirement individuals working in both the private and public sectors, the vendor is not prohibited by the Code of Ethics from providing this same service to county or municipal employees, officials or advisory board members.

**RQO12-070:** A municipal employee asked whether, as a certified urban planner for a City, he may work in his professional capacity to develop a City transit project when he is a co-owner of a property within the development area.

**The COE opined as follows:** City employees are prohibited from using their official position to give themselves a financial benefit, not shared with similarly situated members of the general public. In evaluating conflict of interest under the Palm Beach County Code of Ethics, the Commission considers 1) the number of persons who stand to gain from a decision and 2) whether the gain or loss is remote and speculative. Where the class of persons who stand to gain from a decision is small, it is more likely that an employee will have a conflict. Based upon the facts presented here, the economic benefit or loss affects a class large enough (over

500 properties) so as to eliminate any prohibited individual financial benefit and the employee may begin work on the project for the City.

**RQO 12-071:** A municipal advisory board member asked whether he was prohibited from on voting on a matter coming before his board regarding a new development in one of the subdivisions within his property owners association (POA). **The COE opined as follows:** public officials are prohibited from using their position to give themselves a financial benefit not shared with similarly situated members of the general public. Village staff estimates that there are 1450 owner occupied properties within the POA. The board member resides within one of 40 Home Owners Associations (HOA) governed by the POA. The community is not adjacent to the affected site, nor would the site plan changes proposed by the site developers provide additional access or any other similar zoning benefits to the member's property or those property owners within the member's HOA. The board member is not an officer or director of his HOA or the POA.

In evaluating conflict of interest under the Palm Beach County Code of Ethics (the Code), the Commission considers 1) the number of persons who stand to gain from a decision and 2) whether the gain or loss is remote and speculative. Where the class of persons who stand to gain from a decision is small, it is more likely that an advisory board member will have a conflict. However, based upon the size of the class presented here (1450 properties), the board member is not prohibited from participating and voting in a quasi-judicial hearing even though he owns property within the affected POA.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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