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News Release

For Immediate Release
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March 11, 2013
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Summary of Palm Beach County Commission on Ethics Meeting Held on March 7, 2013

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on March 7, 2013.

The COE heard one complaint in executive session. All documents pertaining to C13-006 are published on the COE website at <http://www.palmbeachcountyethics.com/complaints.htm>.

The COE took the following action:

C13-006: The COE dismissed this complaint for no legal sufficiency.

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

RQO 13-002: A municipal employee asked whether she was prohibited by the Code of Ethics from establishing a non-profit organization designed to fulfill the needs of children and vulnerable adults that police officers encounter during their service.

The COE opined as follows: municipal employees are prohibited from using their official position as City police officers to give a special financial benefit, not shared with similarly situated charitable organizations in the community, to a non-profit organization of which they are an officer or director. Lending an employee's name and official title to a fundraising effort would per se constitute using their employment to specially financially benefit the organization they serve as an officer or director. Any solicitation on behalf of the non-profit organization would need to be in the employee's name without reference to their public title. This would apply directly to the employee, as well as anyone indirectly soliciting the employee's behalf.

Insofar as the gift law is concerned, employees are not prohibited from soliciting or accepting donations while maintaining a director or officer position with the charity, provided that the solicitation is made in their private capacity. If an employee solicit donations, directly or indirectly, in excess of \$100 from a vendor, lobbyist, or principal or employer of a lobbyist of their government employer, the employee (or the charity if solicitations are made in the employee's name) must maintain a record of the solicitations from City vendors, lobbyists, principals or employers of lobbyists, and submit a log to the Palm Beach County Commission on Ethics within 30 days of the event, or if no event, within 30 days of the solicitation.

RQO 13-003: An attorney for the Palm Beach County Housing Finance Authority asked whether the waiver provisions for "advisory board members" applied to HFA board members where HFA appointees provide no regulation, oversight, management or policy-setting recommendations to the Palm Beach County Board of County Commissioners (BCC). Additional information was obtained during a discussion of this issue at the February 7, 2013 COE meeting.

The COE opined as follows: The Palm Beach County Housing Finance Authority (HFA) is a dependent special district, independent of county or municipal government. As an independent entity, without COE action HFA members would be considered "Officials" as defined by the code. The state statute that authorizes creation of the HFA, requires that its members be appointed by the local governing body.

The Code of Ethics (the Code) provides waivers, exemptions and exceptions for advisory board members only, recognizing that an advisory board member's ability to influence public

decision making, as a result of the appointment, is limited to the narrow reach of his or her advisory board. To define HFA members as “Officials” rather than advisory board members despite the fact that HFA members perform the same function as advisory board members would result in a “manifest incongruity”. Therefore, for the purposes of code interpretation and enforcement, HFA members shall be treated as “advisory board members”.

RQO 13-004: A County employee asked whether Palm Beach County Fire Rescue may hold a child passenger seat check at Fire Station 23 sponsored by the Safety Council of Palm Beach County and the law firm of Lytal, Reiter, Smith, Ivey and Fronrath.

The COE opined as follows: based on the facts as submitted, the Palm Beach County Code of Ethics does not prohibit Palm Beach County Fire Rescue from partnering with public or private organizations to organize and hold child safety seat checks. Employees are not prohibited from assisting non-profit or private organizations in providing community services, so long as the employee or any other person or entity as described in §2-443(a)1-7 does not personally benefit financially from the transaction.

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

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