



**Palm Beach County
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News Release

For Immediate Release
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June 7, 2013
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Summary of Palm Beach County Commission on Ethics Meeting Held on June 6, 2013

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on June 6, 2013.

C13-011: The COE continued this matter until the July 11 meeting.

C13-004: The COE issued a letter of instruction and final order of dismissal. After finding probable cause to believe that Respondent Dean Turney may have violated the lobbyist registration ordinance, the COE dismissed the case with a finding that the alleged violation was inadvertent and/or unsubstantial.

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

RQO 13-010: A compliance associate for a municipal vendor asked whether the City of Boca Raton Police and Firefighters Retirement System (retirement system) is subject to the Countywide Lobbyist Registration Ordinance and if so, whether investment advisory services providers must register as lobbyists when conducting a meeting with the board for the limited purpose of a yearly portfolio review.

The COE opined as follows: A lobbyist is defined as any person who is employed and receives payment for or who contracts for economic consideration for the purpose of seeking to influence a decision of a public employee or official on an issue which foreseeably will be presented to a municipal governing body or advisory board. Any person who meets this definition must register as a lobbyist with the central lobbyist registration database unless an exception applies. Section 2-353(c)(1) provides an exception for vendors who meet with officials and advisory board members regarding issues related only to the performance of their services under their contract. So long as the vendor representatives only meet with retirement system members for the limited purpose of reviewing the board's plan investments, they are not required by the ordinance to register as lobbyists.

RQO 13-011: An Aviation and Airports Advisory Board member asked whether he is prohibited from participating and voting on the selection of a fixed-base operator for the Palm Beach County Park Airport where he leases two hangers from the existing fixed base operator.

The COE opined as follows: An advisory board member may not use his official position, including participation and voting on issues before the AAAB or its RFP selection committee, where he leases 2 of 68 available hangers at the Lantana Airport. Based upon the facts and circumstances provided, including the limited class of persons or entities that stand to gain from the RFP process and the absence of significant contingencies to obtain that gain if

changes are approved, the potential financial benefit to the board member is not so remote and speculative as to eliminate a conflict of interest under the Palm Beach County Code of Ethics.

RQO 13-012: A Town Attorney asked whether it is permissible under the Code of Ethics for a municipal employee to accept direct donations from Town residents for a legal defense expenses incurred. In the alternative, he asked whether it is permissible under the Code of Ethics for a municipality to collect donations and create a legal defense fund for the benefit of the municipal employee.

The COE opined as follows: The Code of Ethics does not prohibit municipal employees from accepting financial assistance from Town residents who are not otherwise vendors, employees of vendors, lobbyists or principals or employers of lobbyists who sell, lease or lobby the Town, so long as the assistance is not provided in exchange for any official action performed by the Town or any employee. Municipal employees may not use their official position to obtain a financial benefit for themselves that is not available to similarly situated members of the general public. Solicitation for personal benefit while in uniform, or otherwise in an official capacity, is prohibited. If the amount provided to the employee is greater than \$100, he or she must report acceptance of such a gift to the Commission on Ethics as required by the Code.

In addition, the Code does not prohibit a municipality from establishing a legal defense fund to benefit a municipal employee. However, such donations may not be solicited, or accepted from, any Town vendor, lobbyist, principal or employer of a lobbyist that lobbies the Town, and the disbursement of the donation may not be based on any official act or legal duty taken or to be taken.

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

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