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News Release

For Immediate Release
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Summary of Palm Beach County Commission on Ethics Meeting Held on August 15, 2013

The Palm Beach County Commission on Ethics (COE) took the following action at its monthly public meeting held on August 15, 2013.

C12-013: The COE reviewed a proposed negotiated settlement in C12-013. All available documents pertaining to this complaint are published on the COE website at <http://www.palmbeachcountvethics.com/complaints.htm>. After discussion, the Commission tabled this matter for further review on October 3, 2013.

Four (4) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountvethics.com/ethics/opinions.htm>.

RQO 13-006: A municipal attorney asked whether an official who owns a property management company, that provides services to a condominium association (COA), is prohibited from participating or voting on a matter that may financially benefit an investor whose family and/or business entities own a significant percentage of the property within the COA (the Property).

The COE opined as follows: Elected officials are prohibited from using their official position, participating or voting on an issue that would give a special financial benefit to themselves, their outside business or a customer or client of their outside business, not shared with similarly situated members of the general public. An official whose outside employer or business provides goods or services to an entity in excess of \$10,000 over the course of the previous 24 months is prohibited from using their official position to benefit any related entity if the entities are effectively interchangeable in terms of identity or purpose. Based on the facts presented here, there is an insufficient nexus between the investor, the COA and the issue coming before the City Council for the official to be prohibited from voting on this matter.

RQO 13-013: A municipal police major asked whether Jupiter Police Department (JPD) officers were prohibited by the Code of Ethics from living in government owned residential property within the jurisdiction of the JPD in an attempt to diminish potential crime and quality of life issues created by large tracts of abandoned property.

The COE opined as follows: based on the facts submitted, where a municipal employee is assigned additional duties, in his or her official capacity, additional compensation or value provided to the employee from his or her public employer is not a prohibited or reportable gift.

RQO 13-014: The County Administrator asked whether the Code of Ethics anti-nepotism provision prohibits his son from accepting an advertised position as Assistant Director of the Traffic Engineering Division for Palm Beach County.

The COE opined as follows: Section 2-445 of the Code prohibits a public official, as defined in the law, from employing, appointing, promoting or advancing their relative. The County

Administrator is a public official in whom, by law, rule or regulation, is vested the authority to employ all personnel under the jurisdiction of the Palm Beach County Board of County Commissioners (BCC). Delegation of these duties to county department heads or other county staff does not divest the County Administrator of his authority regarding hiring for the purposes of the anti-nepotism provision. Accordingly, any relative, as “relative” is defined by the ordinance, may not accept a position within the jurisdiction of his office so long as he serves as County Administrator.

RQO 13-015: A Palm Beach County employee asked whether the anti-nepotism provision prohibits his fiancé from continuing to work for Palm Beach County, and if her continued employment is not prohibited, whether the anti-nepotism provisions exclude her from receiving any promotion or advancement while he serves as an Assistant County Administrator.

The COE opined as follows: Section 2-445 of the Code prohibits a public official, as defined in the law, from employing, appointing, promoting or advancing their relative. The anti-nepotism provision does not require the discharge of a person who becomes a relative or whose relative takes a higher position after the person’s employment. Based on the facts provided, it appears the Assistant County Administrator does not exercise control over promotion or employment within the department where his fiancé works. So long as he does not advocate her promotion, appointment or other advancement in the future, she would not be precluded by the ordinance from accepting a superior position with the county.

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

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