



**Palm Beach County  
Commission on Ethics**

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# News Release

For Immediate Release

April 4, 2014

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## Summary of Palm Beach County Commission on Ethics Meeting Held on April 3, 2014

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on April 3, 2014.

One complaint was heard in executive session. All documents pertaining to C14-001 are published on the COE website at <http://www.palmbeachcountyethics.com/complaints.htm>.

**C14-001:** The COE issued a public report and final order of dismissal due to no probable cause. This matter came before the COE based on a complaint filed on January 6, 2014. The COE reviewed and considered the investigative report, documentary submissions, the oral statement and recommendation of the COE advocate as well as a statement made by the respondent's counsel and dismissed the matter.

Two advisory opinions were approved. The full opinions are published and available at:

<http://www.palmbeachcountyethics.com/opinions.htm>

**ROO 14-005:** The city attorney for the City of Lake Worth (the city) asked on behalf of a City Commission member, whether the commissioner was correct in his assumption that he could not vote on a redevelopment project within the city submitted by a customer or client of his outside business, even though his firm does not provide services to this customer or client for projects located within the city.

**The COE opined as follows:** The city commissioner correctly concluded that he cannot use his position in any way when he knows that it would result in a special financial benefit, not shared with similarly situated members of the general public, to himself or a customer or client of his outside employer or business. In order to comply with the Code of Ethics, he will need to publicly disclose the nature of the conflict before the City Commission discusses the matter, abstain from participating and voting on the matter, and file a state voting conflict form (8B).

**ROO 14-006:** A council member for the Village of Wellington asked whether he was prohibited from voting on a proposed civil aviation ordinance which would affect all residents of the development in which he lives.

**The COE opined as follows:** Based on the facts as submitted, including that the proposed civil aviation ordinance would affect all 268 home sites within the council member's residential development in a similar fashion, he is not prohibited from voting on this issue, since any financial benefit he could receive from this ordinance would be similarly shared by the other 267 home sites within the development. The general line drawn in determining whether a benefit is considered to be a "special financial benefit" as established by the Florida Commission on Ethics, is that the recipient represents less than 1% of the total persons to receive this benefit. In this case, the council member resides in 1 of 268 residences to which any financial benefit from this ordinance would be available, and therefore below the 1% threshold. The COE cautioned that because the proposed ordinance is not yet available for review, the council member has a duty to examine the ordinance when made available to ensure that his circumstances meet with the guidelines of this opinion.

A detailed explanation of all agenda items is available at

<http://www.palmbeachcountyethics.com/meetings.htm>.

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