



**Palm Beach County
Commission on Ethics**

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News Release

For Immediate Release

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May 8, 2015

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Summary of Palm Beach County Commission on Ethics Meeting Held on May 7, 2015

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on May 7, 2015.

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

C14-008: Respondent and advocate entered into a negotiated settlement wherein respondent admitted violating §2-443(h), *Prohibited conduct, Honesty in applications for positions*, of the Palm Beach County Code of Ethics (Code). The COE approved the negotiated settlement, finding that the violation was intentional and ordered respondent to pay a \$500 fine.

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

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

RQO 15-010 (Revised): A Palm Beach County (county) employee asked what her obligations are under the Code when she is on the board of directors of the American Contract Compliance Association (ACCA) and co-chairing the 2015 ACCA National Training Institute.

The COE opined as follows: Because the ACCA is not a nonprofit *charitable* organization as defined by the Internal Revenue Code, as a county employee, she may not accept a donation or sponsorship on behalf of the ACCA that is over \$100 from any county vendor or lobbyist per year. Furthermore, neither she nor ACCA may accept a gift of any value from any county vendor or lobbyist if the gift is for her personal benefit. While gifts from non-vendors or non-lobbyists are not prohibited by the Code, any gift over \$100 must be reported yearly to the COE. In addition, since she is a member of the ACCA's board of directors, the Code prohibits her from using her official position as a county employee to give a special financial benefit to herself or ACCA or to corruptly secure any benefit for ACCA or any other person. However, other than the misuse of office provisions and gift law prohibitions, the Code does not prohibit her from planning and organizing the ACCA event while on county time.

RQO 15-012: A county employee asked if the employees and the Board of Trustees of Morikami, Inc. (Morikami), a nonprofit partner of the county's Morikami Museum and Japanese Gardens, are subject to the Code.

The COE opined as follows: Neither Morikami's Board of Trustees nor its employees are subject to the Code because they are not county or municipal officials or employees. The members of Morikami's Board of Trustees are not considered "officials" under the Code because none of the members are appointed by the Palm Beach County Board of County Commission to sit on the board. Additionally, Morikami's employees are not county employees because those employees' salaries are funded solely by Morikami. However, the county employees, who work at Morikami Museum and Japanese Gardens and are paid by the county, are under the jurisdiction of the COE and are subject to the Code.

RQO 15-013: A county employee asked if she is allowed to accept tickets to SunFest on the two days that she is working at the event but receiving comp time from the county, and does she need to report any of the tickets she receives for volunteering at the event.

The COE opined as follows: The Code allows the acceptance of tickets in connection with public events related to official county business if furnished by a nonprofit sponsor organization of the public event. Here, she will be working SunFest in her official capacity as a county employee on

the two days where she will receive comp time and in her personal capacity as a volunteer on a third day. Under the facts submitted, she may accept tickets for each day she works since the tickets are coming from a sponsor organization of SunFest. However, the Code requires that any gift over \$100 must be reported annually to the COE on the Palm Beach County gift reporting form. Since the value of three (3) one-day SunFest tickets is more than \$100, they must be reported.

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

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