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# News Release

For Immediate Release

Contact:

June 5, 2015

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## Summary of Palm Beach County Commission on Ethics Meeting Held on June 4, 2015

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on June 4, 2015.

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

**C15-004:** The COE issued a public report and final order of dismissal due to no probable cause. The COE reviewed and considered the investigative report, the statement and probable cause recommendation of the COE advocate, and the statement made by the respondent's counsel, and the COE dismissed the matter.

Seven advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountylegacy.org/opinions.htm>

**RQO 15-014:** A Palm Beach County (county) code enforcement officer asked if the Palm Beach County Code of Ethics (Code) prohibits her from applying for a scholarship from a company, which is not a vendor or lobbyist of the county, to attend the American Association of Code Enforcement (AACE) Conference.

**The COE opined as follows:** The employee may apply for the company's scholarship to attend the AACE Conference because the entity offering the scholarships is not a vendor, lobbyist, contractor, service provider, bidder, or proposer of the county. In addition, the scholarship does not have to be reported to the COE because it is for educational training costs related to her duties and responsibilities as a county code enforcement officer and is not considered a gift under the Code.

**RQO 15-015:** A county code enforcement officer asked if she is allowed to work on cases that involve properties owned and managed by her landlord, or if those cases should be reassigned to other officers.

**The COE opined as follows:** The Code prohibits her from using her official position in a manner which would give a special financial benefit to specified persons or entities. A landlord is not among the persons or entities specified. Thus, she is not prohibited from working on code enforcement cases involving properties owned and managed by her landlord as long as she does not use her official position as a county code enforcement officer in any manner to give herself a special financial benefit or to corruptly benefit her landlord.

However, while there may be no per se prohibited conflict of interest under the Code, the code enforcement officer is concerned about the appearance of impropriety. While the landlord-tenant relationship may not constitute a prohibited conflict, it may create an appearance of impropriety, especially if her acts are discretionary in nature. Although matters of internal policy and procedure are not normally subject to COE jurisdiction, we concur with the code enforcement officer's recommendation that should she receive cases involving her landlord's properties, those cases should be reassigned to another code enforcement officer.

**RQO 15-016:** An advisory board member for the Town of Loxahatchee Groves asked if a prohibited conflict of interest would exist if he performed repair work for the Loxahatchee Groves Water Control District (LGWCD).

**The COE opined as follows:** A prohibited conflict of interest would not exist if he performs various repair work for LGWCD while also serving as an advisory board member for the town.

The Code exempts governmental entities from the definition of outside employer or business. Since LGWCD is a special taxing district, and thus a governmental entity, it is not considered an outside employer under the Code.

**ROO 15-017:** A county employee asked if a prohibited conflict of interest exists for her in her new position as the Planning and Evaluation Manager where she oversees the outcomes and performance measures of the Financially Assisted Agency contract for the Palm Beach County Division of the Children's Home Society of Florida (CHSF), when she has an active private adoption application with the Treasure Coast Division of the CHSF.

**The COE opined as follows:** A prohibited conflict of interest would not exist as long as she does not wrongfully use her official position to corruptly secure a special benefit for anyone, including a benefit that is not financial in nature. While there may be no per se prohibited conflict of interest under the Code, because she has an active private adoption application with the Treasure Coast Division of the CHSF, her oversight of the Palm Beach County Division's outcomes and performance measures may create an appearance of impropriety. If she is concerned about this appearance of impropriety, she may choose to have her director or another member of her staff oversee the outcomes and performance measures of the Palm Beach County Division of the CHSF while her adoption application is pending.

**ROO 15-018:** A commissioner of the Town of Ocean Ridge asked if the Code prohibits him from inviting town officials and staff on hunting trips, and whether the officials and staff are allowed to accept the trips.

**The COE opined as follows:** Town officials and town staff are not prohibited from accepting the flight on his privately owned aircraft or the lodging at his hunting leases. However, if the value of the gift is over \$100, it must be reported. Under the Code, elected officials, as state reporting individuals, must timely report the gift on their State of Florida Quarterly Gift Disclosure Form (Form 9). A copy of the Form 9 must also be filed with the COE at the same time. Town staff who are not state reporting individuals must report gifts valued at over \$100 on their annual gift reports due no later than November 1 for the previous reporting year.

**ROO 15-019:** An elected official asked if the Code allows her to use her personal funds to place display advertisements in local newspapers wishing her District 1 constituents a great summer or a happy and safe holiday season.

**The COE opined as follows:** The Code does not prohibit an elected official from using her name and official title on a display advertisement wishing her constituents a great summer or a happy and safe holiday season when she pays for the advertisements and does not receive any quid pro quo for placing the advertisements in the local newspapers.

**ROO 15-020:** A county employee asked if the Code prohibits the Palm Beach County Library System Team from accepting a Loop the Lake for Literacy bike jersey, which is provided to a person or team who fundraises over \$400.

**The COE opined as follows:** The Palm Beach County Library System Team may accept the bike jersey. Under the Code, if a gift is not from a vendor or lobbyist and has a value over \$100, it must be reported. Here, since the value of the bike jersey is under \$100, it does not need to be reported.

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

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