



Honesty - Integrity - Character

**Palm Beach County
Commission on Ethics**
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News Release

For immediate release:
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Summary of Palm Beach County Commission on Ethics Meeting Held on September 6, 2018

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on September 6, 2018.

Two advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>.

RQO 18-014: A city of West Palm Beach employee asked if a conflict of interest would exist for her if: (1) the business entities that she and her outside business normally work with enter into contracts to provide goods or services with the city, or (2) her outside business was hired as a subcontractor by business entities who are vendors of the city to work on projects for the county or other municipalities, except the city.

The COE opined as follows:

(1) Because she has not provided over \$10,000 in goods or services to any of these entities in the previous 24 months, under the code of ethics, they are not customers or clients of her outside business. Therefore, as long as she does not use her official position with the city to give herself or her outside business a special financial benefit, a prohibited conflict of interest would not exist for her if any of the entities that her outside business normally works with enter into contracts with the city.

(2) Although the code prohibits her outside business from working as a subcontractor on projects for the city of West Palm Beach, the contractual relationship provision of the code does not prohibit her business from working as a subcontractor on projects for the county or other municipalities. When she works as a subcontractor for the business entities that are vendors of the city, those entities are not her outside employer as defined by the code. The code defines an outside employer as "[a]ny entity...of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced." Because she is not a member, official, director, proprietor, partner, or employee of the business entities that hire her outside business to perform work as a subcontractor, then those entities are not her outside employer. Because those entities are not her outside employer, the code does not prohibit her or her outside business from working as a subcontractor on their projects for the county or other municipalities.

RQO 18-016: A county employee asked if it would violate the code of ethics if she registers her outside business with Palm Beach County's Small Business Enterprise (SBE) program.

The COE opined as follows: As an owner of the business, she is prohibited from using her official position with the county in any way to give a special financial benefit to herself, her daughter, or their outside business. These prohibitions include taking any action to influence or speed up the application and approval process for her business. As long as she uses the proper channels available to all members of the general public and does not influence the process, she is not prohibited from registering her business as a small business with the county. Although the code does not prohibit her from registering her outside business for the SBE certification and attending events hosted by SBE, her outside business is prohibited from entering into any contracts or transactions for goods or services with the county, unless an exception applies.

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

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