



**Palm Beach County
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News Release

For Immediate Release
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August 7, 2015
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Summary of Palm Beach County Commission on Ethics Meeting Held on August 6, 2015

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on August 6, 2015.

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

C15-016: The COE issued a Letter of Instruction. The COE reviewed and considered the investigative report, the statement and probable cause recommendation of the COE advocate, the statement made by the respondent, and the COE dismissed the matter.

C15-017: The COE found no probable cause and issued a public report and final order of dismissal. The COE reviewed and considered the investigative report, the statement and probable cause recommendation of the COE advocate, the statement made by the respondent, and the COE dismissed the matter.

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

RQO 15-011: An employee for the City of West Palm Beach asked if the Palm Beach County Code of Ethics (code) prohibits the chief of the West Palm Beach Police Department from writing a letter on official letterhead, stating that the West Palm Beach Police Foundation is the only charitable organization with a partnership with the police department.

The COE opined as follows: As long as there is no quid pro quo in exchange for the letter or a special financial benefit to any of the prohibited persons or entities listed in Sec. 2-443(a) of the code, the chief is not prohibited from writing a letter on official letterhead, which verifies the West Palm Beach Police Foundation's relationship the West Palm Beach Police Department.

RQO 15-031: The attorney for the City of Lake Worth asked 1) if City of Lake Worth Commissioner Andy Amoroso may sell newspapers to the city's library for an amount not to exceed \$500 per year without violating the code, and 2) if the code allows Commissioner Amoroso to accept travel expenses from the National League of Cities without any requirement to report the expenses on the gift reporting form.

The COE opined as follows:

- 1) Commissioner Amoroso may sell newspapers to the City of Lake Worth without violating the contractual prohibition provision of the code as long as the amount of the transaction with the city does not exceed \$500 per year.
- 2) Commissioner Amoroso is not prohibited from accepting the National League of Cities' payment or reimbursement of the travel expenses as long as his travel is related to the city's membership in the National League of Cities. However, although the code permits Commissioner Amoroso to accept the travel expenses, state law controls the gift reporting requirements for state reporting individuals. Since Commissioner Amoroso is a state reporting individual, he needs to determine whether the travel expenses must be reported under state law. Under the code, if a state reporting individual is required to file a State of Florida Quarterly Gift Disclosure Form with the state, he or she must also file a copy of the form with the COE at the same time.

RQO 15-032: A City of Delray Beach employee asked if a conflict of interest would arise for him if the City of Delray Beach purchases light fixtures from his cousin's employer, SESCO Lighting. **The COE opined as follows:** A prohibited conflict of interest would not arise for him if the City of Delray Beach purchases light fixtures from his cousin's employer. The code prohibits him from using his position in any way to give a special financial benefit to specified persons or entities. A cousin and a cousin's outside business or employer are not among the persons or entities specified in Sec. 2-443(a)(1-7). Furthermore, he was not involved in selecting SESCO Lighting for the project; the contractor who built the pavilion selected that company.

However, while there may be no per se prohibited conflict of interest under the code, an appearance of impropriety may be created if SESCO Lighting is used in any future projects in the City of Delray Beach when he oversees the selection of the lighting vendor. If he is concerned about this appearance of impropriety, he may choose to select a different lighting vendor for such projects.

RQO 15-033: A member of a consulting and lobbying firm, the Aaronson Group LLC., asked if his firm's fee arrangement with a company to perform consulting work and lobbying before the Palm Beach County Board of County Commissioners and other governmental entities in Palm Beach County would violate the code.

The COE opined as follows: A contingency fee would not be involved in the fee arrangement here. Since the arrangement specifies a fixed percentage of ownership and a fixed monthly retainer that will not change regardless of the success or failure of the firm's efforts, the firm's fee arrangement will not violate the code's contingency fee prohibition.

RQO 15-034: The vice chair of the Town of Loxahatchee Groves' Financial Advisory and Audit Committee (FAAC), which advises the Town Council on issues related to the town's budget, financial activities and performance, and annual audit, asked if a prohibited conflict of interest would arise for him if he volunteers to learn about the town's new accounting system.

The COE opined as follows: A prohibited conflict of interest would not arise for him if he familiarizes himself with the new accounting system since taking such an action will not result in a special financial benefit to him. The new accounting system is related to his duties and responsibilities as a FAAC member since the FAAC members use the information processed by the accounting software to give financial and audit advice.

RQO 15-035: A Palm Beach County employee asked if the outside employment waiver provision would allow him to accept part-time employment as an independent contractor for a county vendor.

The COE opined as follows: Under these facts, he would be working as an independent contractor, not as an employee, of the county vendor. Since an independent contractor is not considered an employee under the code, the county vendor would not be considered his outside employer. Thus, the part-time outside employment waiver provision cannot be used in this situation, and the contractual relationship prohibition precludes him from working as an independent contractor for this county vendor.

RQO 15-036: The attorney for the Board of Trustees of the City of Boca Raton Pension Plan for Police and Firefighters (BRPFERS) asked if the cone of silence section of the Lobbyist Registration Ordinance applies to the BRPFERS while they are soliciting and evaluating bids for an investment consultant.

The COE opined as follows: The trustees of the BRPFERS are not subject to the cone of silence section of the Lobbyist Registration Ordinance when they are soliciting and evaluating bids for an investment consultant because the BRPFERS trustees are not county or municipal elected officials. Sec. 2-355 prohibits all oral communication between any person seeking the award of a competitive solicitation and county or municipal elected officials or their staff or any employee authorized to act on behalf of the county or the municipal governing body. In addition, the cone of silence section does not apply to oral communication that occurs on the record at a public meeting. Therefore, even if the trustees were subject to the cone of silence section, under these facts, since the due diligence interviews will be broadcasted with live audio and visual feed during a publicly noticed BRPFERS workshop, the cone of silence requirement would not apply.

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

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