



*Honesty - Integrity - Character*

**Palm Beach County  
Commission on Ethics**

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Bryan Kummerlen, Vice Chair  
Michael S. Kridel  
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# News Release

For immediate release:  
Contact:

April 6, 2018  
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## Summary of Palm Beach County Commission on Ethics Meeting Held on April 5, 2018

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on April 5, 2018.

Sarah L. Shullman and Bryan Kummerlen were elected as Chair and Vice Chair of the COE, respectively. They will hold those positions for two years.

Eleven complaints were heard in executive session. C17-038 and C17-039 were tabled until a later date. The complete files for the following other cases are published on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>.

**C17-012:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE issued a letter of instruction finding the violation was unintentional, inadvertent, or insubstantial and dismissed the complaint.

**C17-013:** After considering the investigative report, probable cause recommendation, and the statement of the COE advocate, the COE issued a letter of instruction finding the violation was unintentional, inadvertent, or insubstantial and dismissed the complaint.

**C17-014:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-015:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-021:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-022:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-025:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-026:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-035:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

**C17-036:** After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

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

<http://www.palmbeachcountyethics.com/opinions.htm>. In addition, advisory opinion RQO 17-021 was discussed and the COE determined that the sole source exception found in Code Section 2-243 (e)(3) applied in this case. COE staff will submit a proposed advisory opinion for consideration by the COE at the next monthly meeting.

**RQO 18-004:** The city attorney for the city of Boca Raton (city) asked if a conflict of interest exists for Council Member Andrea O'Rourke where her spouse is employed by Merrill Lynch, a subsidiary of Bank of America Corporation (BOA), when certain banking service agreements and bonds issued by the city that come before the city council involve BOA or BOA subsidiaries.

**The COE opined as follows:** Council Member O'Rourke is not prohibited from voting on or participating in the renewal of or amendments to existing banking service agreements and bonds involving BOA and BOA subsidiaries as long as Merrill Lynch is not also involved in those matters. In addition, she is not prohibited from voting on or participating in new service agreements and bonds involving BOA and other BOA subsidiaries as long as Merrill Lynch is not also involved in those matters. Where Merrill Lynch is involved in the procurement of these banking services and bond financing arrangements, Council Member O'Rourke must abstain from participating in and voting on the matter, disclose the nature of the conflict, and file a State of Florida Commission on Ethics Conflict Form 8B.

**RQO 18-005:** The town attorney for the town of Loxahatchee Groves asked if a prohibited conflict of interest exists for Councilman Todd McLendon if he participates in discussions and votes on a developer's planned unit development (PUD) amendment when Aldi, Inc., a customer or client of his outside business, is listed as one of the potential tenants for the developer's property

**The COE opined as follows:** Although the developer may receive a financial benefit (gain or loss) depending on the outcome of the vote, there is uncertainty as to whether there would be any economic gain or loss to Aldi, Councilman McLendon, or his outside employer from this vote. Thus, any financial benefit that Aldi, Councilman McLendon, or his outside employer may receive is remote and speculative. Because the vote has no direct and immediate financial benefit to Aldi, his outside business, or himself, Councilman McLendon is not prohibited from participating in and voting on this PUD amendment application.

**RQO 18-007:** A city of Boynton Beach Fire Rescue employee asked if the department may accept a scholarship from the Health Care Institute of Palm Beach County (HCI), a vendor of the city of Boynton Beach, which will be awarded to a Fire Rescue Department employee to earn an associate of science degree in Emergency Medical Services from HCI free of charge.

**The COE opined as follows:** The Fire Rescue Department administration or the city council must determine whether the award of the scholarship for an employee to earn an associate's degree in Emergency Medical Services would be for a public purpose. If the tuition scholarship is determined to have a public purpose, then the city Fire Rescue Department is not prohibited from accepting the scholarship from HCI. If it is determined not to have a public purpose, then the acceptance of the scholarship is prohibited because the gift is from a vendor and its value exceeds \$100 in the aggregate.

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

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