

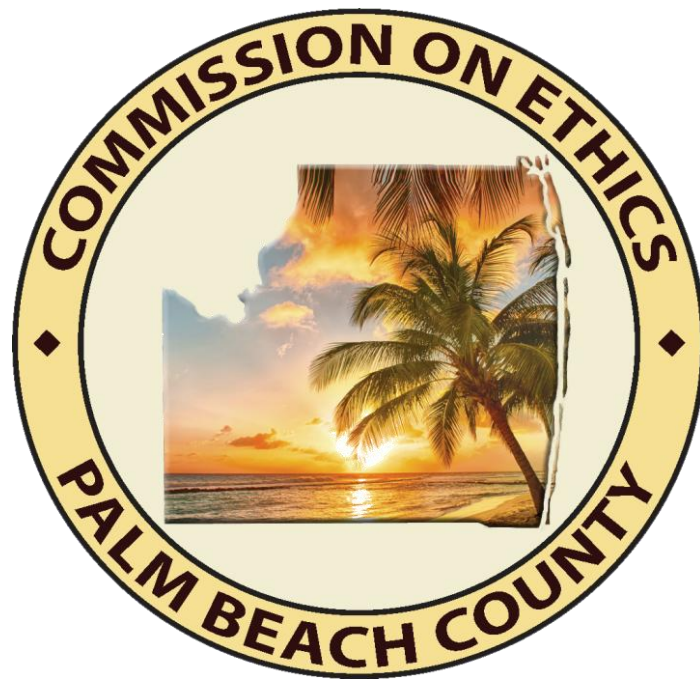


Honesty - Integrity - Character

ANNUAL REPORT — 2016 —



2016 ANNUAL REPORT





Palm Beach County Commission on Ethics

Honesty - Integrity - Character

Commissioners

Michael S. Kridel, Chair
Clevis Headley, Vice-Chair
Michael F. Loffredo
Judy M. Pierman
Sarah L. Shullman

Executive Director

Mark E. Bannon

January 12, 2017

Palm Beach County Commission on Ethics
300 N. Dixie Highway, Suite 450
West Palm Beach, FL 33401

Dear Commissioners,

It is my privilege to present the 2016 Annual Report of the Palm Beach County Commission on Ethics.

Calendar year 2016 marked the sixth year of operation of the Commission on Ethics (the Commission). As we are all aware, the agency's primary mission is to review, interpret, render advisory opinions, and enforce the countywide Code of Ethics (the Code), Lobbyist Registration and Post Employment ordinances. In addition to those specific statutory mandates, Commission staff is responsible for conducting ongoing ethics training for municipal and county elected officials, advisory board members, and local government employees, as well as limited training for municipal and county vendors, lobbyists and their principals and employers. Commission staff is also charged with performing ethics training compliance reviews for the county and local municipalities, offering overview presentations of Commission services and responsibilities to various civic groups, and managing the agency with a primary focus of building trust in local government.

This year has been one of stability within the Commission. All five Commissioners that served throughout 2016 remain on the Commission, and we appreciate their commitment and service for 2016 and into 2017. Commission leadership also remained stable in 2016, and Commission Chair Michael S. Kridel and Vice Chair Clevis Headley continue to lead our Commission with enthusiasm and energy concerning the important work we do in our community. Biographies of all of our distinguished Commissioners begin on page 8 of this report.

Regarding changes within Commission staff, on April 5, 2016 we were very fortunate to be able to bring onboard Abigail Irizarry as our newest investigator. Abigail has vast background in investigations, having served as an investigator for the Better Business Bureau, the Florida Department of Children and Families (DCF), and the Office of Inspector General for DCF as well. Abigail became a Certified Inspector General Investigator in 2015, and was also named as the 2015 OIG Investigative Star, the first female investigator to receive this state-wide award. We are very pleased to welcome Abigail to the Commission staff as an excellent addition to an already top-flight staff.

Ethics training, community outreach, collaboration with other agencies and organizations and public education remain as cornerstones of our mission. In March 2016, the Commission unveiled a new logo which Commission staff believes better represents the Commission's multi-faceted presence countywide. In December 2016, Commission staff, in conjunction with PBCTV Channel 20, also released a new training video which is now available to all county and municipal officials and employees. The new ethics training video became available online in late December, and DVDs of the latest ethics training video will be available shortly. Commission staff also revamped our ethics handbook in 2016. We are very proud to offer our new handbook for employees and public officials entitled, "*A Practical Guide to the Code of Ethics.*" Commission staff worked very hard to make this guidebook available to assist public officials and employees, in order to help them better understand their obligations under the Code of Ethics. We also added some new information to further that goal, including an easy to read voting conflicts chart developed specifically for appointed officials, which was created by Chief Assistant County Attorney Leonard Berger and reproduced in the guidebook with his permission. The guidebook was published by the Commission, but made available for distribution in partnership with the Palm Beach County Graphics Division. We thank each of them for their valuable assistance in these important endeavors. Commission staff also attended a municipal meeting in each of the 38 Palm Beach County municipalities during 2016 in a continuing effort to be more visible and approachable by public officials, public employees and local residents.

The Palm Beach County Board of County Commissioners declared March 2016 as Ethics Awareness Month, and this declaration was memorized in a presentation in February. Various community leaders and stakeholders attended the presentation of the award, and many within the local ethics movement were recognized for their contributions to the Palm Beach County community.

Commission staff also continued its support of various ethics competitions, serving as volunteer judges, moderators and support staff for high school and college students interested in ethical debate. Commission staff also conducted several ethics training compliance reviews in 2016. As a part of the compliance reviews, staff worked with county and municipal administrations to revamp ethics training policies, where needed, and ensured that ethics training and re-training was completed as required by the Code of Ethics. Commission staff also completed several in-person on-site ethics training sessions and outreach programs for various stakeholders during 2016. Feedback obtained in post-training surveys remains very positive. We also continue to publish and distribute the quarterly newsletter. In the newsletter, Commission General Counsel Christie Kelley discusses important ethics issues for our various stakeholders to consider.

Intake and Compliance Manager Gina Levesque and Chief Investigator Anthony Bennett attended the 2016 Council of Governmental Ethics Laws (COGEL) conference in New Orleans in December. The ideas for several of our most successful "tools," including the "Top Ten Ethics Rules" cards and various training and outreach programs, were born from discussions with other ethics practitioners across the United States and Canada who attend this annual conference.

Our social media presence on Facebook (www.facebook.com/pbccoe) and Twitter ([@pbccoe](https://twitter.com/pbccoe)) continues to grow, and we will work during 2017 to increase our social media outreach even further. In addition to providing revised web-based training modules for public officials, employees, vendors, and lobbyists, we continue to maintain a public database for annual and quarterly gift reports, voting conflict of interest disclosures, and outside employment waivers. We also continue to maintain links to Palm Beach County maintained databases, including lists of active registered vendors, registered lobbyists and their principals, as well as annual lobbyist expenditure reports. Additionally, all sworn complaints, related documents, and hearings are posted to our website once the cases become public record. Lastly, our website is fully searchable including all processed complaints and advisory opinions with the enhancements mentioned previously, and we will continue to enhance and upgrade the site throughout 2017 as needed.

Fiscally, Palm Beach County budgeted \$578,227 for Commission operations. Commission staff continues to maintain careful stewardship of staff, operational and procurement costs. Our expenditures for the fiscal year were \$520,281.69. The net result was \$57,945.31 left unspent for fiscal year 2015-2016. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget.

With the close of calendar year 2016, it remains clear that the operations, output and missions of the Commission are sound. Commission staff intends to work hard in 2017 with our commissioners, public officials and employees, and other community stakeholders to continue to make improvements to our service.

On behalf of Commission staff I would like to thank each of you for your continued support of our operations as together we promote Palm Beach County's high standard of public service, and continue the mission of increasing trust in local government.

Sincerely,



Mark E. Bannon,
Executive Director

MEB/gal

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MISSION STATEMENT

The mission of the Palm Beach County Commission on Ethics (COE) is to foster integrity in public service, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties.

We accomplish this mission by conducting ongoing educational programs, community outreach, providing clear and timely advice, and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws. In doing so, the commission is guided by principles of fairness, clarity, and common sense. We encourage you to spend time learning about our efforts by going to our website at www.palmbeachcountyethics.com and to contact our office with any questions or comments.

HISTORY

In framing a government which is to be administered by men over men the great difficulty lies in this: you must first enable government to control the governed, and in the next place, oblige it to control itself.

- Federalist #51

Now in its sixth year, the COE is an independent organization that administers and enforces the Palm Beach County Code of Ethics, Lobbyist Registration Ordinance and Post Employment Ordinance. The Code of Ethics is designed to help ensure that public officials and employees perform their public responsibilities impartially, do not use their public positions for private gain, and to foster public confidence in the integrity of local government. The Lobbyist Registration Ordinance was enacted to regulate certain lobbying activity and enhance lobbying transparency by establishing a central lobbyist registration and expenditure reporting system. While the commission has statutory license to punish offenders, COE staff strives to educate public employees, public officials, vendors, and lobbyists on how the rules affect governance and implementation of policy throughout the county.

Palm Beach County has a current estimated population of 1.422 million residents and has grown significantly in the past decade in terms of size and diversity. The county has over 6,000 full and part-time employees and approximately 1,000 volunteer officials staffing 95 committees and boards. There are now 39 municipalities within Palm Beach County who are served by over 9,000 full and part-time employees, 258 municipal boards and committees with more than 1,800 volunteer advisory board members, and 198 elected officials.

As recommended by a 2010 grand jury convened to monitor the progress of the new ethics measures, a county-wide referendum was included on the November 2010 ballot. Voters overwhelmingly supported the measure to place the Commission on Ethics provisions into the county charter, expanding the jurisdiction of the COE to all local municipal governments. In 2012, the Lobbyist Registration Ordinance was adopted by 35 of the 38 municipalities within the County. COE staff stands ready to inform citizen groups and county and municipal governments alike about the services and benefits of the Commission on Ethics and Code of Ethics initiatives.

AN INDEPENDENT ETHICS INSTITUTION

Ethics is knowing the difference between what you have the right to do and what is the right thing to do.

- Justice Potter Stewart

The COE oversees, administers, and enforces local governmental ethics laws; receives and investigates complaints; provides formal advice to persons who fall within the jurisdiction of the commission; conducts training sessions for the community, municipal and county employees, and vendors; and proposes governmental ethics law reform.

Governmental ethics laws include the Ethics Ordinance, the Lobbyist Registration Ordinance, and the Post Employment Ordinance. The COE accepts sworn complaints regarding alleged violations of these laws and protects individuals from retaliation for reporting violations.

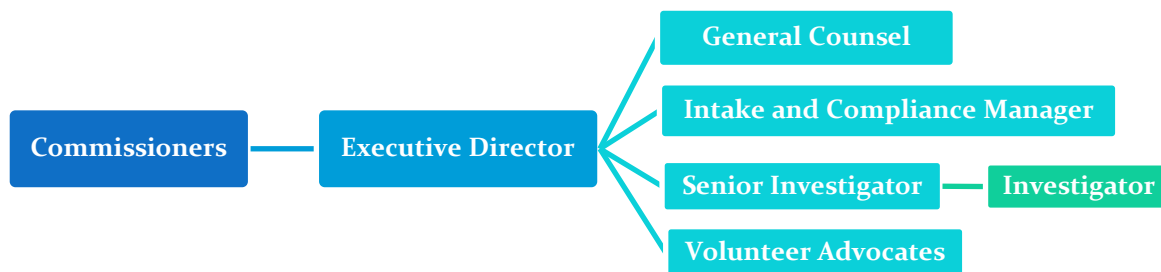
Persons who fall within the jurisdiction of the COE include:

- County and Municipal Elected Officials
- County and Municipal Advisory Board Members and other non-elected officials
- County and Municipal staff and contract employees
- Lobbyists and their principals
- Vendors
- Entities subject to jurisdiction pursuant to contract or Memoranda of Understanding

Our specific statutory authority is derived from Palm Beach County Code §2-254. This ordinance grants the COE the power to review, interpret, enforce, and render opinions regarding the above-mentioned County ordinances.

The key to the COE is independence, and, by definition, the COE is an independent office. The Palm Beach County Board of County Commissioners Organizational Structure chart reflects this independence by designating the Executive Director as an “Independent Official.” Ethics commissioners cannot be removed or otherwise influenced by the County Commission and are appointed by various non-political civic, educational, and professional organizations. The position of commissioner is non-partisan and non-political. Appointees may not participate in or contribute to a candidate for state or local office or allow his or her name to be used in support of or against a candidate or ballot issue. Appointees may not participate in or contribute to political action committees, campaign for office or referenda, and may not hold office in a political party or committee.

COMMISSION ON ETHICS ORGANIZATIONAL CHART



ABOUT THE COMMISSION

The COE is composed of five volunteer members who serve staggered terms of four years each. Each member of the COE must also have an outstanding reputation for integrity, responsibility, and commitment to serving the community. Moreover, as representatives of Palm Beach County, appointments are made with an eye towards the racial, gender, and ethnic make-up of the community.

Members are appointed by the following individuals or institutions:

- **President of the Palm Beach County Association of Chiefs of Police-** one appointment with the following qualifications: A former law enforcement official with experience in investigating white collar crime or public corruption. **(Commissioner Michael F. Loffredo)**
- **President of the F. Malcolm Cunningham, Sr. Bar Association, the President of the Hispanic Bar Association of Palm Beach County and the President of the Palm Beach County Bar Association** – one shared appointment with the following qualifications: An attorney with experience in ethics regulation of public officials and employees. **(Commissioner Sarah L. Shullman)**

- **President of Florida Atlantic University (FAU)** - one appointment with the following qualifications: A faculty member who teaches at an institution of higher education with a campus located in the county and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. **(Vice Chair, Commissioner Clevis Headley)**
- **President of the Palm Beach Chapter of the Florida Institute of Certified Public Accountants (CPA)** – one appointment with the following qualifications: A member with at least five (5) years experience as a CPA with forensic audit experience. **(Chair, Commissioner Michael S. Kridel)**
- **Palm Beach County League of Cities** - one appointment with the following qualifications: A person who has served as a former elected official for a governmental entity in the county. **(Commissioner Judy M. Pierman)**

COMMISSIONERS

MICHAEL S. KRIDEL, CPA, CFF, CITP, CFA, CHAIR

Mr. Kridel is a Principal with Rehmann Robson and practices primarily from the Boca Raton office. He is a practice leader in the litigation services area of Rehmann Consulting and its corporate investigation group. Mr. Kridel has practiced public accounting in South Florida since graduation from The George Washington University. Prior to joining Rehmann in 2013, he was a partner with a large Palm Beach County accounting firm for nearly 17 years. Since 1974, Mr. Kridel has provided litigation services in a broad range of matters including family law, stockholder actions, financial damages, fraud detection, criminal and civil tax matters, wrongful discharge and professional malpractice. Mr. Kridel is a frequent speaker, garnering numerous awards, at national and local conferences for accountants and attorneys on topics such as litigation services, professional ethics, eDiscovery, practice management, information technology and human resources. He is a certified ethics instructor in Florida and is an online instructor in fraud courses for the University of North Carolina at Charlotte. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today.



He is also active in several community service organizations and is a Partner in Education at numerous Broward County high schools. For more than twenty years, Mr. Kridel has facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools, positively influencing nearly 1,500 students annually. He is also the profession's representative member of the Education Advisory Committee of the Florida Board of Accountancy.

CLEVIS HEADLEY, PH.D., VICE CHAIR

Professor Headley is an Associate Professor of Philosophy at Florida Atlantic University. He grew up in Delray Beach and graduated from Atlantic High School in 1980. He attended Sewanee: The University of the South, from which he received his Bachelor's degree in 1985, and conducted his graduate studies in philosophy at the University of Miami, receiving his Ph.D. in 1991. He has been teaching at Florida Atlantic University since 1993 and served as Chair of the philosophy department from 2008 to 2010.



Professor Headley publishes regularly in scholarly journals and anthologies and is a founding member of the Caribbean Philosophical Association. He teaches courses in a variety of areas, including ethical theory and political philosophy.

MICHAEL F. LOFFREDO, PH.D.

Dr. Loffredo began a career in law enforcement as a United States Army military policeman where he served 3 years active duty. He remained in the reserves and ultimately retired from the Army Reserves Criminal Investigation Command as a Chief Warrant Officer 4 after 25 years of reserve service. Upon leaving active military duty in 1961, Dr. Loffredo Became a Trooper with the Florida Highway Patrol until 1967. In 1968 he joined the newly formed Florida Bureau of Law Enforcement as a special agent becoming the fourth investigator hired with the new agency. Over the course of the next 30 years, he served throughout south Florida as a special agent, supervisor and Agent in charge within various offices. His investigation experience is in a variety of criminal violations including drug and white collar crime. Upon retiring after 35 years in State law enforcement, Dr. Loffredo became an adjunct faculty member at Lynn University in the Masters Criminal Justice Program. In 1998 Dr. Loffredo became Chief of Police for Jupiter Island, where he served until 2005.



Dr. Loffredo received a Ph.D. in Criminal Justice Education from Union University. He attended the FBI National Academy in 1973. His professional affiliations include being a life member of the Florida Police Chiefs Association and Palm Beach County Police Chiefs Association. Dr. Loffredo has also served as past president and life member of the Treasure Coast Police Chiefs Association and past president of the Florida chapter of the FBI National Academy. He is one of the original members of the Palm Beach county Criminal Justice Commission in 1989 and is currently a member of the Reserve Officers Association with the United States Army, Fraternal order of Police, and the International Narcotic Association and is active in various community organizations.

JUDY M. PIERMAN

As former councilperson and first woman Mayor of North Palm Beach, Ms. Pierman has been a positive force in the Palm Beach County community for several decades, most notably in the area of education. Currently, she is the Hispanic Human Resources Council's (HHRC) Deputy Director. Ms. Pierman, who also doubles as the HHR Director of Education, a post she has maintained since 1994, is a long standing educator, former teacher in Ohio, New Jersey, Puerto Rico and Michigan and founder of pre-school programs in Ohio. She has served as President of Child Advocacy Board of Palm Beach County, Inc., a board member of Hope Rural School, a board member of The Benjamin School Corporate, a board member of Deaf Service Center of Palm Beach County, Inc., and the former Director of Puppetry Arts Center of the Palm Beaches. Ms. Pierman is a member of the American Association of University Women, Friends of the North Palm Beach Library and the National Association for Education of Young Children.



Her honors include the Deaf Service Center Distinguished Service Award, Child Advocate Award in 1997, 1999, 2001 and 2003 from the Child Advocacy Board of Palm Beach County, Inc., Extended Hands Community Literacy Award in 2004, Fair Housing Award in 2004, One Child at a Time Award in 2008, Brightest and Best Award in 2009, and the 4-H University of Florida Palm Beach County Outstanding Partner Award in 2015.

SARAH L. SHULLMAN, ESQ.

Ms. Shullman is an Assistant Attorney General with the Florida Office of the Attorney General, where she conducts investigations and civil prosecutions of persons and companies engaged in deceptive trade practices. As a result of her work in shutting down fraudulent scams that victimized Florida consumers and homeowners, Ms. Shullman was named Consumer Protection Division Attorney of the Year. Previously, Sarah served Palm Beach County as a Civil Traffic Hearing Officer for the Fifteenth Judicial Circuit and practiced in business and consumer finance litigation at Steel Hector & Davis and Squire, Sanders & Dempsey LLP. She was named a "Top Government Lawyer" in Florida Trend's Legal Elite and was selected as a "Leader in the Law" by the Florida Association for Women Lawyers.



Ms. Shullman earned her law degree *magna cum laude* from Georgetown and her business degree with honors from the University of Florida. Upon graduation, she published *The Illusion of Devil's Advocacy: How the Justices of the Supreme Court Foreshadow Their Decisions During Oral Argument*, in *The Journal of Appellate Practice and Process*. Dedicated to her local community, she serves on the Board of Managers for the Boys & Girls Club of Wellington, is a founding member of the Young Professionals of Wellington, and is an honorary trustee of the Jewish Women's Foundation. She is also active in the legal community, serving on the Board of Directors of the Florida Association for Women Lawyers, Palm Beach County Chapter, various committees of the Palm Beach County Bar Association, and the Consumer Protection and Grievance Committees of The Florida Bar. Sarah frequently speaks at consumer protection seminars and prior to her appointment, served as a Volunteer Advocate for the Commission on Ethics.

COMMISSION STAFF

MARK E. BANNON, EXECUTIVE DIRECTOR

Mr. Bannon was selected as the third Executive Director for the Palm Beach County Commission on Ethics (COE) in December 2015, having been a member of COE staff since 2010. Prior to his selection, he had served the COE as an Investigator, Senior Investigator, Interim Staff Counsel and Interim Executive Director.

A U.S. Army veteran, Mr. Bannon spent nearly 25 years serving as a deputy sheriff, supervisor and Commander with the Palm Beach County Sheriff's Office where he worked in patrol, investigative and community support assignments before retiring from policing in 2005.

He is a graduate of Florida Atlantic University, and holds a Master of Public Administration degree from Nova Southeastern University. Mr. Bannon attended law school at the University of Miami, and was admitted to the Florida Bar in 2005. He is also a former Assistant State Attorney who prosecuted criminal cases in the 15th Judicial Circuit.

Mr. Bannon authored a book on criminal procedure for law enforcement officers, which was published in 2003 and he has taught criminal justice courses to graduate and undergraduate students at both Palm Beach State College and South University. He brings a very unique blend of law enforcement and legal education and experience to the Commission, and to the role of Executive Director.



GINA A. LEVESQUE, INTAKE AND COMPLIANCE MANAGER

Ms. Levesque has been employed with the Palm Beach County Commission of Ethics (COE) for over five years and has worked with all three executive directors. Having been with the COE since inception, her position has evolved from Administrative Assistant to Executive Assistant to Intake Manager and is currently Intake and Compliance Manager.

A former certified law enforcement officer and corrections officer, she worked for the Broward County Sheriff's Office and the Lauderhill Police Department for several years. In addition to her law enforcement experience, Ms. Levesque served as a legal assistant in the Office of the State Attorney, 15th Judicial Circuit from 1999-2010.

Ms. Levesque attended college at Southern Illinois University at Edwardsville on a softball scholarship and still holds several team records. She graduated with a degree in education in 1988.



CHRISTIE E. KELLEY, GENERAL COUNSEL

Ms. Kelley began her law career as an Assistant State Attorney in Florida's Fifth Judicial Circuit. Prior to joining the Commission on Ethics, Ms. Kelley also served as Assistant Director in the Center for Career Development at the University of Florida Levin College of Law, where she focused on advising students interested in government or public interest careers and oversaw the pro bono, public interest, and community service programs.

Ms. Kelley is a member of the Florida Bar. She graduated summa cum laude from the University of Florida with a B.A. in Business Administration. She earned her law degree (cum laude) from the University of Florida Levin College of Law.



ANTHONY C. BENNETT, INVESTIGATOR

Prior to joining the Commission, Mr. Bennett spent 15 years serving the citizens of Broward County, Florida, while employed with the Broward County Sheriff's Office, rising through several ranks within the agency from Deputy Sheriff to eventually becoming the Executive Officer/Ombudsman to the Executive Director of the BSO's Detention and Community Control Divisions, before leaving public service for private sector employment. Mr. Bennett held an Executive level position as the Director of Corporate Security for an infrastructure company based in Washington D.C., and is a proud United States Army veteran, previously serving on active duty during the time of the first Gulf War, Operation Desert Storm.

Mr. Bennett holds a Bachelor's Degree in Criminal Justice from Lynn University, is a graduate of the University of Louisville's Southern Police Institute Command Officers' Development Program, Nova Southeastern University's Executive Leadership Program, and is also a graduate of the United States Army Rehabilitation Training Instructor Course (Fort McClellan, AL). Mr. Bennett holds active State of Florida certifications in both Law Enforcement and Corrections.



ABIGAIL IRIZARRY, INVESTIGATOR

Ms. Irizarry is the newest member of the team, joining the staff of the Commission on Ethics in April 2016. She began her public service career with the Better Business Bureau and quickly moved to the Department of Children and Families (DCF). Initially, Ms. Irizarry was the lead DCF investigator for court cases in Lee County, Florida, specializing in human trafficking cases. In 2013, Ms. Irizarry was promoted to the Office of Inspector General for DCF where, in 2015, she became a Certified Inspector General Investigator and was named the OIG Investigative Star of the year, the first female investigator to receive the state-wide award.

Ms. Irizarry graduated from Florida State University with a Bachelor of Science in Criminology and, in addition to her status as a Certified Inspector General Investigator, has completed training to become a Certified Fraud Examiner.



EDUCATION

One of the COE's critical responsibilities is to inform county and municipal employees, officials, persons with or seeking government contracts, lobbyists, and the public about the ethical standards expected by the Code of Ethics and related ordinances. COE staff also endeavors to keep the commissioners educated as to their particular duties and responsibilities under the Ordinances.

COMMISSIONER TRAINING

Commissioners receive six hours of training, which include a comprehensive review of all ordinances, rules and procedures, investigative overview, advisory opinions, quasi-judicial functions, best practices during final hearings, and the Sunshine Law. Staff is continually available to answer questions and provide resource materials.

EMPLOYEE AND OFFICIAL TRAINING

Ethics training is required for all county and municipal elected officials, employees, contract employees, volunteer officials, and advisory board members. The COE and its staff seek to be proactive at all times in its outreach efforts and its relationship with the community in order to increase citizen understanding and participation in government accountability efforts. This year, COE staff created a new training DVD which featured a new PowerPoint presentation and updated examples.

In 2016, COE staff conducted in-person, on-site trainings to County and municipal employees, officials, and advisory board members. Training is also available on DVD, through internet streaming from the COE's website and on YouTube. The timeframe for re-training and the method of training continue to be determined by each municipality and agency under the COE's jurisdiction.

WEB-BASED TRAINING

In addition to the employee and official training programs provided by COE staff, the website has links to miscellaneous training videos, sunshine law materials, and an interactive online quiz. The Ethics Quiz addresses fifteen of the most frequently asked questions on the Code of Ethics.

TRAINING COMPLIANCE REVIEWS

Staff initiated 12 and completed 9 training compliance reviews in 2016*. Staff continues to work with the county and the municipalities to assist administrators with their mandatory training schedule policies for all public officials and employees.

OTHER OUTREACH EFFORTS AND SOCIAL MEDIA

COE staff continues to issue a quarterly newsletter which is posted online and sent to the County and the municipalities for distribution to employees and officials. The newsletter contains various topics of interest and current information about recent advisory opinion and complaints.

With pages on Facebook and Twitter, the public can access the COE through familiar media sites. In this way, the general public can stay up to date with recent COE decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the COE on Twitter at @PBCCOE or visit us on Facebook at www.facebook.com/PBCCOE.

In 2016, staff members attended council/commission meetings in each of the 38 Palm Beach County municipalities.

LOGO

The COE unveiled a new logo in March 2016 which represents the COE's multi-faceted presence countywide. The new logo features a coastal scene superimposed onto the outline of Palm Beach County's land boundaries.

WEBSITE

The COE website continues to employ a user-friendly format with improved capabilities and graphics, including a Most Requested Links tab. The site continues to enhance transparency, outreach efforts, and provide public access to all relevant forms, documents, databases, advisory opinions, and investigations. An e-book, designed to provide an interactive guide to the functions of the COE is prominently placed on the main page. The website format is compatible with wireless technology, tablets, and mobile devices.

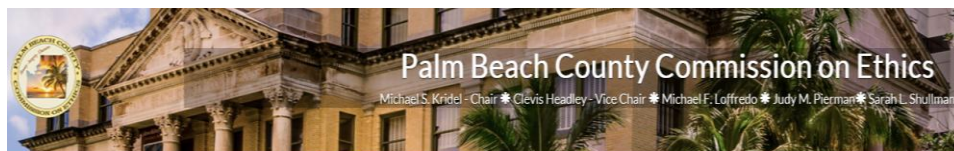
In 2016, the COE website had



- 11,045 views of the main page
- 4,898 views of the required training page
- 1,524 views to the ordinance and codes page
- 1,169 views of the complaints page

The COE website was most viewed by users in the United States, United Kingdom, Russia, Brazil, and Italy. Municipality-wise, the website was most viewed by users in West Palm Beach, Boynton Beach, Delray Beach, Boca Raton, Wellington, and Miami.

MULTIMEDIA

Video of COE meetings, drafting committee meetings, and channel 20 programming can be found on the Meetings page.





ADJUST FONT SIZE: [+](#) [-](#) [RESET](#)

Next Meeting:
Monthly Meeting - Thursday, February 2, 2017 - 1:30 p.m. - Robert Weisman Governmental Center - 6th floor BCC Chambers
Agenda & Attachments
Final Hearing - C16-006 Rowan Hughes - Thursday, March 2, 2017, 11:00 a.m. - Robert Weisman Governmental Center - 6th floor BCC Chambers.
[Click here to watch the meeting live](#)

Recent Updates:

- [Code of Ethics Training Video](#)  (Updated 12-29-2016)
- [A Practical Guide to Code of Ethics \(2016 Publication\)](#) 

Most Requested:

- Required Training
- Opinions by Subject and Year
- Ordinances & Codes

Meeting Schedule, Agenda & Attachments, Minutes and Meeting Videos

2017 [Click to compress/expand](#)

2016 [Click to compress/expand](#)

2015 [Click to compress/expand](#)

2014 [Click to compress/expand](#)

2013 [Click to compress/expand](#)

2012 [Click to compress/expand](#)

2011 [Click to compress/expand](#)

2010 [Click to compress/expand](#)

ADVISORY OPINIONS

Advisory opinions are searchable by year, subject matter, and text search. All of the existing advisory opinions include a brief synopsis of the issue and the COE's decision for each opinion.

Palm Beach County Commission on Ethics

Article V. Division 8. Sec. 2-260.9 of the Palm Beach Commission on Ethics Ordinance provides that employees, officials, lobbyists and vendors within the jurisdiction of the commission, when in doubt about the applicability or interpretation of the ethics codes and ordinances to himself or herself in a particular instance, may submit the facts of the situation to the COE with a request for an advisory opinion to advise them of the standard of duty, if any, that applies to their situation. All opinions will be posted to this website following each meeting.

Advisory Opinion Search

Opinion Number: <-- Select from here -->
Subject/Topic: **ADVISORY BOARD WAIVER**
CHARITABLE SOLICITATION/FUNDRAISING
CONE OF SILENCE
CONFLICT OF INTEREST
CONTRACTUAL RELATIONSHIPS
EMPLOYEE DISCOUNT
GIFT LAW
JURISDICTION OF THE COE
LOBBYIST REGISTRATION ORDINANCE
MISUSE OF OFFICE OR EMPLOYMENT
NEPOTISM
OUTSIDE EMPLOYMENT
PENSION PLAN - EMPLOYEES/OFFICIALS
POLITICAL FUNDRAISING/CONTRIBUTIONS
POST-EMPLOYMENT ORDINANCE
TRAVEL EXPENSES
VOTING CONFLICT
WITHDRAWN

Opinion Year: <--Select-->
Text Search:

R - Revised due to additional information
N - No longer valid due to change in law

[Menu](#) | [Help](#)

COMPLAINTS

All investigative materials, reports and audio files of sworn complaints referred to the COE are available for review under the Databases tab on the left side of the main page of the website.

Palm Beach County Commission on Ethics

Complaint Database Search

Complaint Year: <-- Select -->
Complaint Number: 2010
2011
2012
2013
2014
2015
2016
2017

Respondent Name:

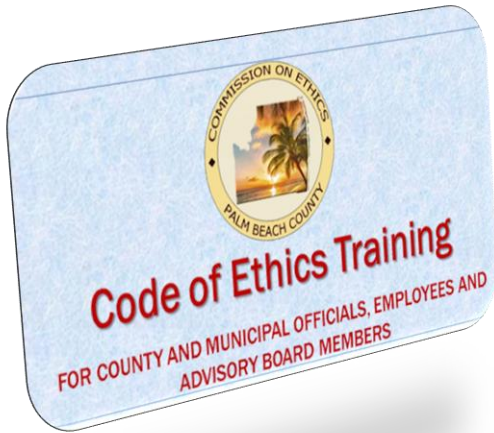
[Ethics Home](#) | [Application Menu](#) | [Help](#)

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TRAINING

COE staff allows municipal and county employees and officials to complete their required training in-person, via streaming video, or on a DVD.

Under the Training & Education tab on the COE's website, there is a full text copy of the Code of Ethics and plain language guides for public employees and advisory board members. These trainings and guides are available not only to officials and employees but also to members of the public who are interested in learning more about the Code of Ethics and its real world application. Ongoing Code of Ethics training is mandatory for all public officials and employees. Most jurisdictions require ethics training every one, two, or three years.



Training Information

Required for ALL County and Municipal Elected Officials, Employees and Advisory Board Members

Pursuant to Article XIII, sec. 2-446, all Palm Beach County and Municipal employees and officials are required to read the Palm Beach County Code of Ethics, receive training on the requirements of the Code of Ethics and sign an acknowledgement form. This Web page is designed to help you complete these tasks:

Feedback Wanted: Answer our video training survey and help us improve.

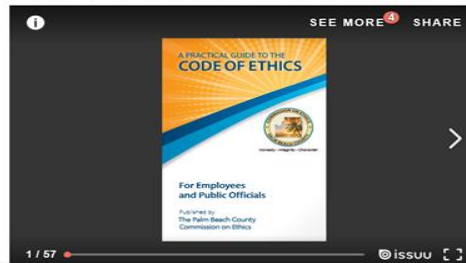
Training Video

- [Code of Ethics Training Video](#) (Updated 12-29-2016)
- [Printable version of Power Point Presentation](#)

* If you are having trouble streaming the video through the above link, please try the YouTube link below.

- [Code of Ethics Training Video \(YouTube\)](#)

A Practical Guide to the Code of Ethics (2016 Publication) (flip book)



SEARCHABLE DATABASES

The COE's website currently maintains gift reporting, outside employment, and voting conflicts databases. This feature allows the public to view employee and official filings with the COE. Advisory opinions are searchable through a tab on the upper right side of the main page.




Palm Beach County Commission on Ethics

Please click on one of the following links to search Ethics documents.

[Gifts / OEW \(Outside Employment Waiver\) / Voting Conflicts](#)

[Advisory Opinion](#)

[Complaint Documents](#)

[Ethics Home](#) | [Help](#) 

OTHER INFORMATION

Serving as a gateway to information on ethics both locally and nationwide, the COE website provides users with access and links to the Palm Beach County Inspector General, the State Attorney's Office, the Advisory Opinion database, county vendor database, and the lobbyist registration database for the county and 35 of the municipalities. The public, employees, and officials will always be able to access up to date information on the Code of Ethics, applicable forms and other resources on our site, including frequently asked questions.

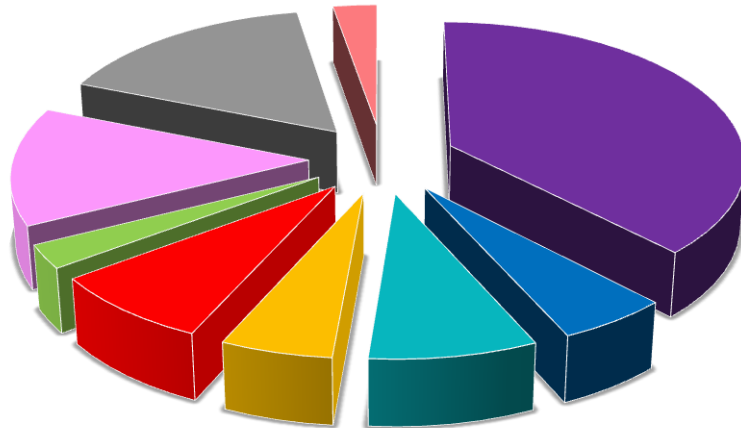
ADVISORY OPINIONS: ASK FIRST, ACT LATER

In 2016, the COE issued 30 advisory opinions. Advisory opinions are designed to assist employees, officials and advisory board members and any other persons or entities subject to the Code of Ethics, Lobbyist Registration Ordinance, or Post-Employment Ordinance in understanding their obligations under the codes. When in doubt about the applicability or interpretation of the Code of Ethics, employees, officials, and advisory board members may submit the facts of their particular situation to the COE in writing and request an advisory opinion. Each opinion is based upon the specific facts and circumstances associated with that opinion. If you have a question, please ask commission staff to prepare an advisory opinion. As long as the facts submitted to the COE are complete and accurate, the requesting party may rely on the commission's response. Copies of every advisory opinion issued since the COE's establishment are available in PDF format on the website. They are indexed by subject matter and by year, and they are searchable by clicking on the Google search bar available at the top of each page.

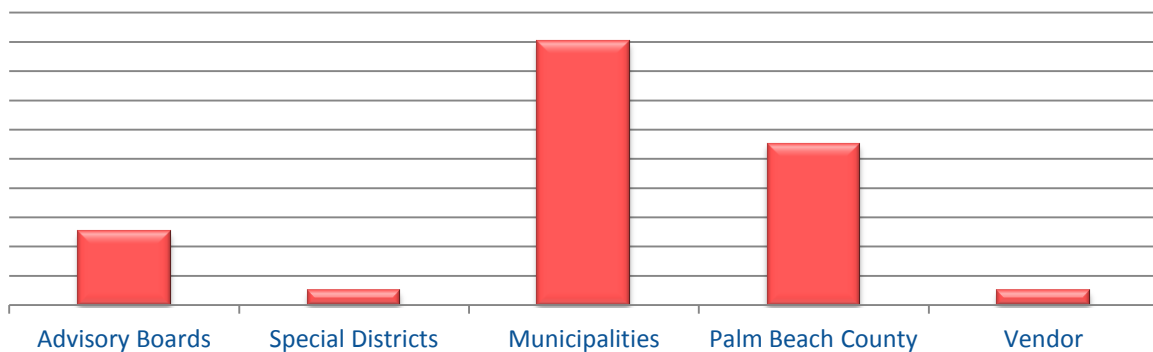
In 2016, voting conflicts, outside employment, and conflicts of interest questions were the most common.

Advisory Opinions By Subject Matter

- Conflict of Interest/Misuse of Office
- Charitable Solicitation
- Lobbyist Registration Ordinance
- Contractual Relationships
- Gift Law
- Jurisdiction of the COE
- Outside Employment
- Voting Conflicts
- Travel Expenses



Advisory Opinions by Entity



SUMMARIES OF NOTABLE 2016 ADVISORY OPINIONS

The Code of Ethics is a 12-page document that does not account for every possible scenario or situation but provides overall guidance to employees, officials, government vendors, lobbyists, and their principals. Accordingly, the COE must interpret the words of the Code of Ethics and offer common sense advice to those subject to its jurisdiction. The following summaries are based upon actual advice given in the form of advisory opinions issued by the COE during 2016. They are included here for educational purposes only. These summaries are not intended as legal advice.¹ Each opinion is based upon the specific facts and circumstances associated with that opinion. COE staff routinely refers local officials, employees, vendors, lobbyists, members of the public, and the media to referrals to prior opinions when the issues involve settled general interpretation of the Code of Ethics. In 2016, COE staff handled 102 advisory opinion requests by referring the requesting party to prior COE opinions.

MISUSE OF OFFICE

The Code of Ethics prohibits employees, officials, and advisory board members from using their position to give a *special financial benefit*, not shared with *similarly situated members of the general public*, to 1) themselves; 2) a household member, spouse or domestic partner or their outside business or employer; 3) certain relatives or their outside business or employer; 4) their outside employer or business or someone who they know works for that business; 5) a customer or client of their outside employer or business (\$10,000 in goods or services over the preceding 24 months); 6) a debtor or creditor of an employee or official (at least \$10,000, not including financial institutions); 7) a non-profit organization where the employee or official serves as an officer or director. A *financial benefit* is anything of value. *Similarly situated* means that everyone in the class of persons or entities affected by a decision benefits in the same way.

Question: Does the Code of Ethics prohibit an employee of the City of Boynton Beach from providing contracting and other services, during his non-work hours, to businesses and individuals located outside the city? **RQO 16-006**

Answer: The city employee is not prohibited from providing services to businesses outside of the city on his non-work time through his outside contracting business, so long as he does not contract with any city vendor to provide services to the city, which would create a prohibited indirect contract between the city and the employee. Further, because he would not be inspecting or approving his own work when contracting for services with businesses or individuals outside of the city limits, no conflict of interest would arise under the misuse of public employment provisions. The employee will have an ongoing responsibility to refrain from using his official position with the city to give any special financial benefit to specified persons or entities, including himself, his outside business, or any customer or client of his outside business.

VOTING CONFLICTS

Section 2-443(c), voting conflicts, addresses the scenario where, by participating or voting on an issue, an elected official would violate the misuse of office section of the code by giving a special benefit to one of the prohibited persons or entities listed under §2-443(a). In such a scenario, officials and advisory board members must 1) disclose the nature of his or her conflict before their board discusses the issue; 2) abstain from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (8B), submitting a copy to the recording clerk and the Palm Beach County COE.

¹To the extent that these summaries differ from the language of the original advisory opinion or ordinance, the language in the ordinance and opinion controls.

Question: Does a Village of Wellington (Village) councilmember have a voting conflict that would prohibit him from voting on and participating in a matter where a client (Wantman Group, Inc.) of his outside employer will be presenting a property owner's pending application for a conditional use permit before the Village Council and would be serving as he engineering firm for the project if the application was approved? **RQO 16-025**

Answer: The councilmember would have a voting conflict because there is a direct nexus between the councilman's vote and Wantman receiving a special financial benefit. Because the councilmember's vote on the conditional use permit application will directly impact whether the property owner can go forward on its proposed veterinary clinic project and thus whether Wantman will be employed by the property owner to work on its project, the possibility of a financial benefit to Wantman is not remote or speculative. Thus, the councilmember may neither participate in nor vote on this matter.

CONTRACTUAL RELATIONSHIPS

The contractual relationships provisions control contracts that a public employee or official may have in their private capacity which could conflict with their public duties. Generally, the Code of Ethics prohibits an employee or official from entering into any contract or other transaction to provide goods or services to the public entity they serve. This includes any contract between a municipality or the county and an employee or official, the outside business or employer of an employee or official or any business an employee or an official may own (minimum 5 percent of the business' assets). There are several exceptions that may apply.

Question: Does the Code of Ethics (Code) prohibit a Palm Beach County employee or her outside business from contracting with the County and the municipalities within the county? **RQO 16-008**

Answer: The Code of Ethics prohibits a county employee and her outside business from entering into a contract for goods or services with the county, directly or indirectly, unless one of several exceptions apply as found in code section 2-443(e). However, the code does not prohibit a county employee from entering into a contract for goods and services with any municipality within the county. There is no prohibition against entering into a contract for services with any municipality, so long as she does not use her official position as a County employee to assist her in obtaining municipal contracts.

GIFTS

The Code of Ethics prohibits employees, officials and advisory board members from accepting anything of value in exchange for the past, present, or future performance of their job. This includes thank you gifts or tips for an official public action or legal duty performed, withheld, or violated. Employees and officials are prohibited from soliciting gifts of any value from someone they know to be a vendor, lobbyist, or principal of a lobbyist who sells, leases or lobbies their governmental entity for their personal financial benefit, the benefit of a relative or household member, or another employee. Over the course of the calendar year, employees and officials may not solicit or accept gifts worth more than \$100 in the aggregate from a person they know or reasonably should know to be a vendor or lobbyist of their public employer. Gifts in excess of \$100 that are not prohibited are reportable unless one of several exceptions applies.

Question: Does the Code of Ethics prohibit Palm Beach County employees at the Gardens Branch of the Palm Beach County Library System from accepting complimentary chair massages as a general gesture of appreciation for their service as public employees? **RQO 16-017**

Answer: The county employees are not prohibited from accepting the complimentary chair massages because the gift is general in nature and not being provided because of the performance or non-performance of an official act or legal duty or as a quid pro quo given to the donor in exchange for the gift, and the donor is not a vendor, lobbyist, or principal or employer of a lobbyist of the county. If the value of the chair massage exceeds \$100, the gift must be reported as required by the Code of Ethics.

CHARITABLE SOLICITATION

The Code of Ethics prohibits an official from using his or her official position to give a special financial benefit to a non-profit organization if they are an officer or director of that organization. Therefore, solicitation of charitable donations made on behalf of a non-profit organization by an officer or director in one's official capacity, for example Commissioner or Police Chief, is *per se* a violation of section 2-443(a)(7), *misuse of office*, of the Code of Ethics. In order for an official to use their official title to solicit donations on behalf of the non-profit they serve, they must resign their position with the charity. Public officials and employees may not solicit or accept anything of value because of the performance of an official act, or the past, present or future performance or violation of a legal duty. Nor may they solicit a gift of *any value* from a vendor, lobbyist, principal or employer or a lobbyist who sells, leases or lobbies the municipality they serve for their own personal benefit, the benefit of their relatives or household members or the benefit of another employee. If a public official or employee solicits on behalf of a charitable organization recognized under the Internal Revenue Code, the official or employee must maintain a log of any solicitation in excess of \$100 from vendors, lobbyists, principals or employers of lobbyists and submit the log to the Palm Beach County COE within 30 days of the event, or if no event, within 30 days of the solicitation.

Question: Is a member of the Palm Tran Service Board (PTSB) prohibited from soliciting donations on behalf of the Palm Beach County Chapter of the National Federation of the Blind (NFB) of which he is the Vice President and a board member? **RQO 16-019**

Answer: He is not prohibited from soliciting donations on behalf of NFB, since NFB is a registered 501(c)(3) charitable organization. His participation in fundraising for NFB would need to be in his personal name without any reference to his official title or connection to his official position as a member of the PTSB. If he solicits or accepts any donation over \$100 from a vendor, lobbyist, or principal or employer of a lobbyist of the PTSB or of Palm Tran (the county department that is subject to PTSB's authority), he must maintain a log of the solicitation and submit the log to the COE within 30 days of the event, or if no event is involved, within 30 days of the solicitation.

LOBBYISTS AND LOBBYING

A lobbyist is defined as someone who is paid to lobby on behalf of a principal. A lobbyist can be an outside contractor or an employee whose principal responsibility is lobbying government on behalf of their employer. The Code of Ethics defines lobbying as seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of an official or employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board or governing body. The Code of Ethics prohibits lobbyists from giving gifts in excess of \$100 to an elected official or advisory board member of the county or municipality they are lobbying. Moreover, lobbyists engaged in lobbying activities are required to register pursuant to the Countywide Lobbyist Registration Ordinance. Under the Lobbyist Registration Ordinance, 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 is prohibited.

Question: Does the cone of silence provision apply when the City of Boca Raton is seeking competitive bids from interested parties to purchase land owned by the city and, if it does apply, when does the cone of silence terminate? **RQO 16-024**

Answer: The cone of silence provision applies to this situation because the city is utilizing a competitive solicitation process by soliciting competitive bids from parties interested in purchasing the land. The cone of silence goes into effect at the submission deadline. After that time, any oral communication made outside of a public meeting between any person seeking the award of the sale/purchase contract and any city council member, their staff, or any employee authorized to act on behalf of the city council is prohibited, unless an exception applies. The cone of silence terminates when the city council awards the contract to one of the interested parties, rejects all of the bids from the interested parties, or takes some other action which ends the competitive solicitation process regarding the sale of the land.

COMPLAINTS

STATISTICAL SUMMARY OF COMPLAINTS FILED

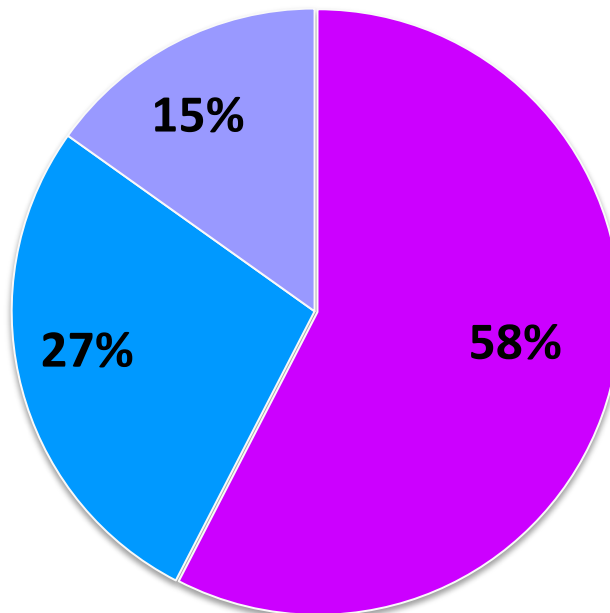
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

The COE received 6 sworn complaints and self-initiated 5 complaints in 2016. There were 5 complaints dismissed for lack of legal sufficiency, 5 complaints found to be legally sufficient, and 1 is pending a legal sufficiency determination. Of the 5 cases found to be legally sufficient, 2 cases are still pending a probable cause determination, 1 case resulted in a letter of instruction being issued and dismissal of the case, 1 case is set for a final hearing, and 1 case is being held in abeyance pending the disposition of criminal charges. In addition, of the complaints received in 2015 that were still pending probable cause determination at the beginning of 2016, 3 cases resulted a letter of instruction being issued and dismissal of the case, 1 case was found that have probable cause but was dismissed by majority vote, and 6 cases were dismissed.

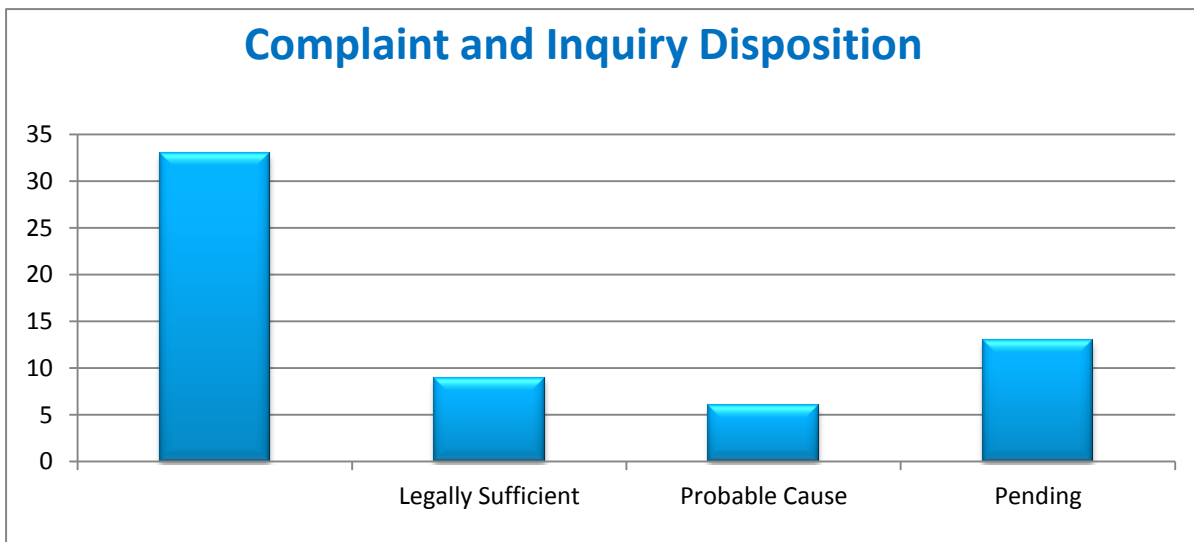
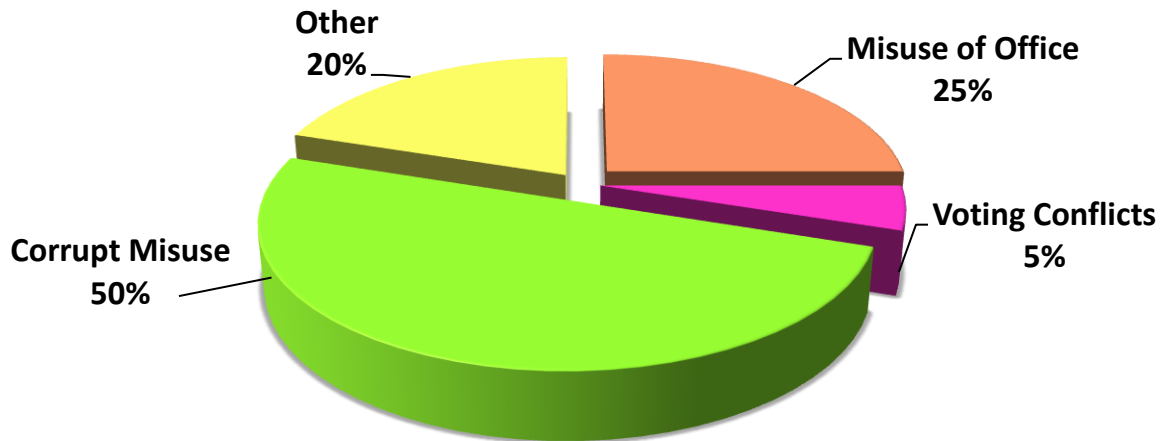
In addition, staff opened inquiries into 21 matters based upon information received other than by formal complaint. Of these inquiries, 7 were closed as not legally sufficient, 4 became the basis for self-initiated complaints, and 10 inquiries are ongoing. In 2016, COE staff fielded approximately 772 calls on the COE Hotline (1-877-766-5920), 167 calls were referred to another agency, and 10 calls resulted in an inquiry or investigation.

Complaints & Inquiries by Entity

■ Municipalities ■ County ■ Other



Complaint Subject Matter

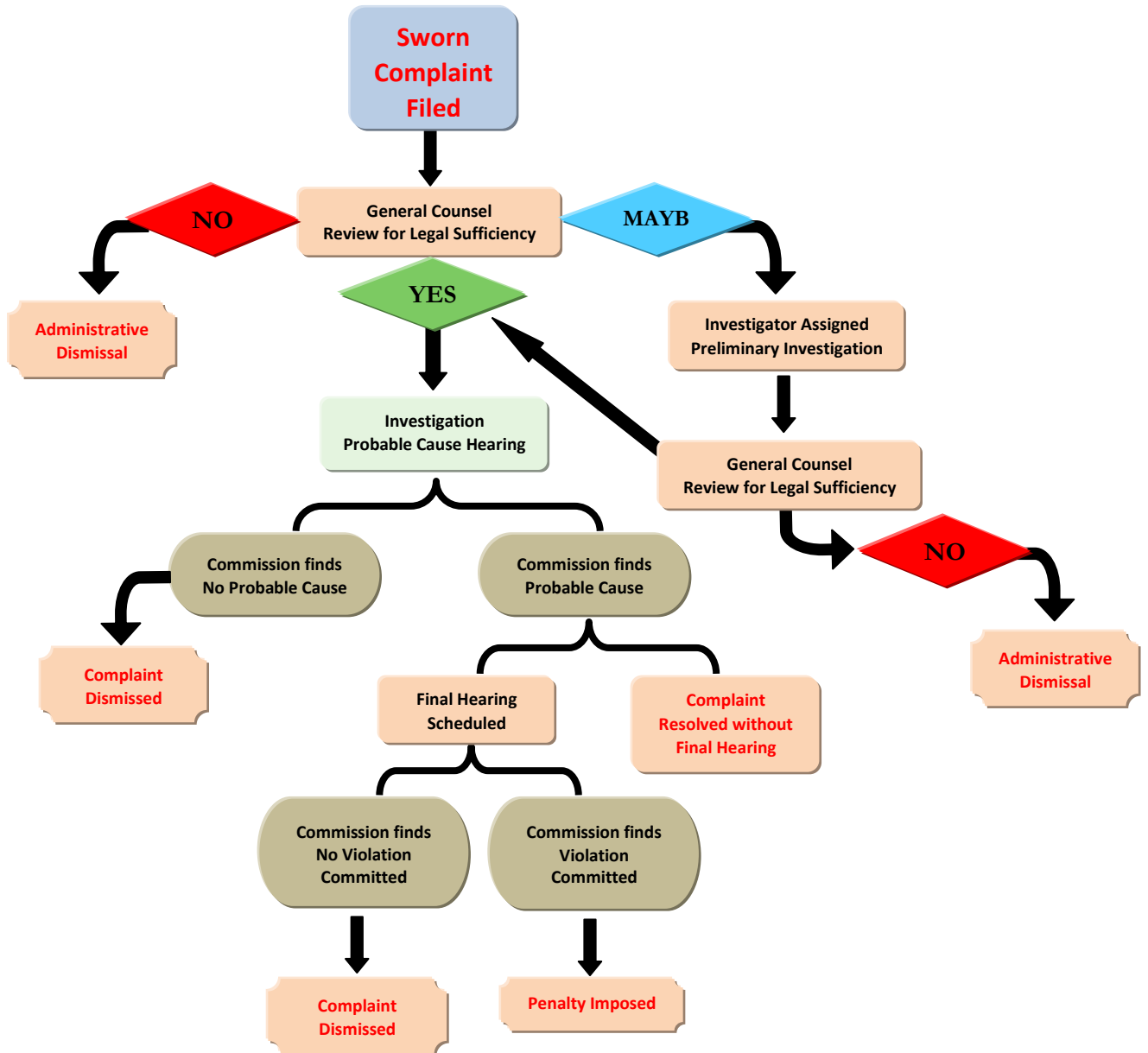


THE COMPLAINT PROCESS

Any person may file a complaint with the COE by submitting a written notarized complaint executed on an approved form available by mail or on our website (www.palmbeachcountyethics.com). The complaint must allege a violation of the code of ethics, lobbyist registration or post-employment ordinance, be based substantially upon personal knowledge and be signed under oath or affirmation by the complaining person. The commission maintains a searchable library of all public reports and final orders regarding the disposition of all sworn complaints. You may request a copy of a complaint form or visit our website.

In addition, citizens can leave information and tips anonymously on the COE's hotline at 877-766-5920 or by email to ethics@palmbeachcountyethics.com. If you chose to remain anonymous, you must be sure to provide specific, detailed information that will allow investigators to determine the identity of persons may have personal knowledge of the alleged violation, as well as any available documentary evidence of a violation, or where such documents may be located.

COMPLAINT PROCESS DIAGRAM



FISCAL REPORT

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for COE operations. For fiscal year 2015-2016, the COE Budget came out of to the General Fund.

The COE expended \$520,281.69 of the budgeted \$578,227. Thus, \$57,945.31 was unspent. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget, www.pbcgov.org/ofmb.

2017 PROJECTS

Anticipated		Description	Expected Results
Start	Finish		
1 st Quarter	4 th Quarter	Create five-minute video clips on the most frequently asked about sections of the Code	Deliver the most effective training
1 st Quarter	4 th Quarter	Gather and analyze data from existing performance metrics. Establish a formal performance measurement plan	Use results to improve operations
1 st Quarter	4 th Quarter	Continue to update and improve COE Website	Maintain best possible information portal for public use

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