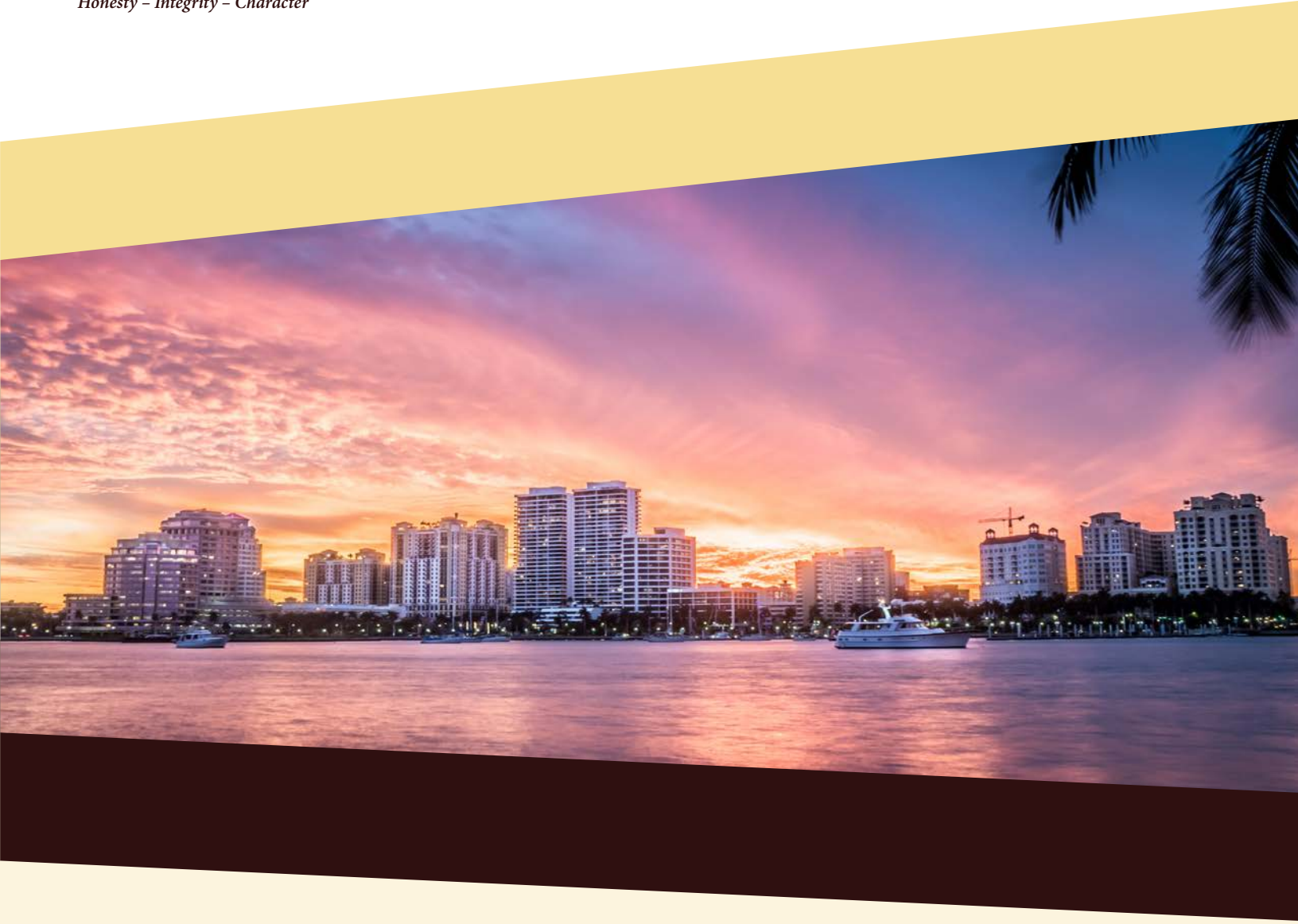


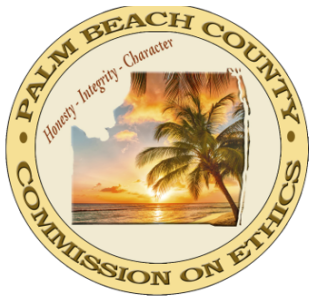
Honesty - Integrity - Character



2017 ANNUAL REPORT

2017 ANNUAL REPORT





Palm Beach County Commission on Ethics

Commissioners

Michael S. Kridel, Chair
Clevis Headley, Vice Chair
Bryan Kummerlen
Judy M. Pierman
Sarah L. Shullman

Executive Director

Mark E. Bannon

February 1, 2018

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

Dear Commissioners,

It is an honor and a privilege to present the 2017 Annual Report of the Palm Beach County Commission on Ethics. Calendar year 2017 marked the seventh year of operation for the Commission on Ethics (Commission). The agency's mission is to review, interpret, render advisory opinions, and enforce the countywide Code of Ethics (Code), as well as the Lobbyist Registration and county Post-Employment ordinances. In furtherance of this mission, 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 making limited training available for municipal and county vendors, lobbyists and their principals and employers.

Commission staff also completed numerous in-person on-site ethics training sessions and outreach programs for various stakeholders during 2017. Feedback obtained in post-training surveys remains very positive. Although significant changes were made to the ethics training in 2016, we begin 2018 with the goal of revamping the ethics training again to keep it current and relevant.

Commission staff offers overview presentations of its services and responsibilities to various civic groups, and manages the agency with a primary focus of building trust in local government. In addition to training, staff performs ethics training compliance reviews. During the compliance review process in 2017, staff worked with municipal administrations to revamp ethics training policies to ensure that ethics training and re-training were completed as required by the Code of Ethics.

This year has again been one of relative stability within the Commission. While the year began with the same five Commissioners that served throughout 2016, the sad passing of our friend and colleague, Commissioner Michael A. Loffredo, in June of 2017 brought a new face to the Commission, Commissioner Bryan Kummerlen. As noted in his biography, Commissioner Kummerlen has a long history of public service. We welcome him as a member of the Commission and appreciate his continuing service to the citizens and residents of Palm Beach County.

Throughout 2017, Chair Michael S. Kridel and Vice Chair Clevis Headley continued to lead our Commission with enthusiasm for the important work we do in our community; and although the leadership roles will change in March, we owe them both a debt of gratitude for their excellent leadership.

At the end of February, the terms of service will expire for Chair Michael S. Kridel, Vice Chair Dr. Clevis Headley and Judy M. Pierman. The Palm Beach Chapter of the Florida Institute of Certified Public Accountants appointed Commissioner Kridel in 2014, the president of Florida Atlantic University appointed Commissioner Headley in 2014, and the Palm Beach County League of Cities appointed Commissioner Pierman in 2015. We offer our heartfelt thanks for their service on the Commission and to the Palm Beach County community. We also offer our thanks to the three appointing agencies for their diligence in selecting commissioners for the next four-year term. By ordinance, commissioners serve with no compensation, and we appreciate both the difficulty and importance of finding qualified candidates who are willing to volunteer their time for such a worthy cause.

The Palm Beach County Board of County Commissioners declared April 2017 as Ethics Awareness Month. Along with Ethics Commissioners and Staff, various community stakeholders attended the presentation of the Ethics Proclamation, 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. We also continue to publish and distribute the quarterly newsletter. In the newsletter, Commission General Counsel Christie Kelley reviews important ethics issues for our various stakeholders to consider.

General Counsel Kelley and I attended the 2017 Council of Governmental Ethics Laws (COGEL) conference in Toronto, Ontario in December. The conference provided several new ideas for ethics training, which will enhance the new web-based training modules. The ideas for several of our most successful "tools" including the Ethics Handbook and the "Top Ten Ethics Rules" cards were born from collaboration 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 continue to work during 2018 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 will 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 2018 as needed.

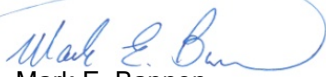
Commission Staff also assisted at various shelters and other locations during Hurricane Irma, working with other county employees to make sure people within the Palm Beach and Monroe County communities remained safe and well cared for during and after this dangerous storm.

Fiscally, Palm Beach County budgeted \$634,700 for Commission operations. Commission staff continues to maintain careful stewardship of staff, operational and procurement costs. Our expenditures for the fiscal year were \$634,609.37. Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget.

With the close of calendar year 2017, it remains clear that the operations, output, and missions of the Commission are sound. Commission staff intends to work hard in 2018 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 we promote Palm Beach County's high standard of public service and continue the mission of promoting trust in local government.

Sincerely,



Mark E. Bannon,
Executive Director

MEB/gal

CONTENTS

Mission Statement	1
History	1
An Independent Ethics Institution.....	1
Commission on Ethics Organizational Chart	2
About the Commission	2
Commissioners	3
MICHAEL S. KRIDEL , CPA, CFF, CITP, CFA, CHAIR.....	3
CLEVIS HEADLEY , PH.D., VICE CHAIR.....	3
BRYAN KUMMERLEN , MPA.....	4
JUDY M. PIERMAN	4
SARAH L. SHULLMAN , ESQ.	5
IN MEMORY OF - MICHAEL F. LOFFREDO, PH.D.	5
Commission Staff	6
MARK E. BANNON , EXECUTIVE DIRECTOR.....	6
GINA A. LEVESQUE , INTAKE AND COMPLIANCE MANAGER.....	6
CHRISTIE E. KELLEY , GENERAL COUNSEL	7
ANTHONY C. BENNETT , INVESTIGATOR.....	7
ABIGAIL IRIZARRY , INVESTIGATOR.....	7
Education	8
Commissioner Training	8
Employee and Official Training.....	8
Web-Based Training.....	8
Training Compliance Reviews	8
Other Outreach Efforts and Social Media	9
Website	9
Multimedia.....	11
Advisory Opinions	11
Complaints.....	12
Searchable Databases	12
Training	13
Other Information.....	13
Advisory Opinions: Ask First, Act Later	14
Summaries of Notable 2017 Advisory Opinions	15
Misuse of Office	15
Voting Conflicts.....	15
Gifts	16
Contractual Relationships	17
Outside Employment.....	17
Complaints	18
Statistical Summary of Complaints Filed.....	18
Complaint Process Diagram	20
Fiscal Report	21
2018 Projects	21

MISSION STATEMENT

The mission of the Palm Beach County Commission on Ethics (Commission) 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

Now in its seventh year, the commission is an independent organization that administers and enforces the Palm Beach County Code of Ethics, Lobbyist Registration Ordinance and Post Employment Ordinance. In 2010, a grand jury convened to monitor the progress of the new ethics measures and recommended a county-wide referendum be placed on the November 2010 ballot. Voters overwhelmingly supported that measure to place the Commission on Ethics provisions into the county charter, expanding the jurisdiction of the commission to all local municipal governments. In addition, 35 of the 38 municipalities in which the commission has jurisdiction have adopted the Lobbyist Registration 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, staff strives to educate public employees, public officials, vendors, and lobbyists on how the rules affect governance and implementation of policy throughout the county. 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.

Palm Beach County has a current estimated population of 1.443 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. The 38 municipalities within Palm Beach County over which the Commission has jurisdiction have over 9,000 full and part-time employees, 258 municipal boards and committees with more than 1,800 volunteer advisory board members and 203 elected officials.

AN INDEPENDENT ETHICS INSTITUTION

The commission 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, lobbyists 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 commission accepts sworn complaints regarding alleged violations of these laws and protects individuals from retaliation for reporting violations.

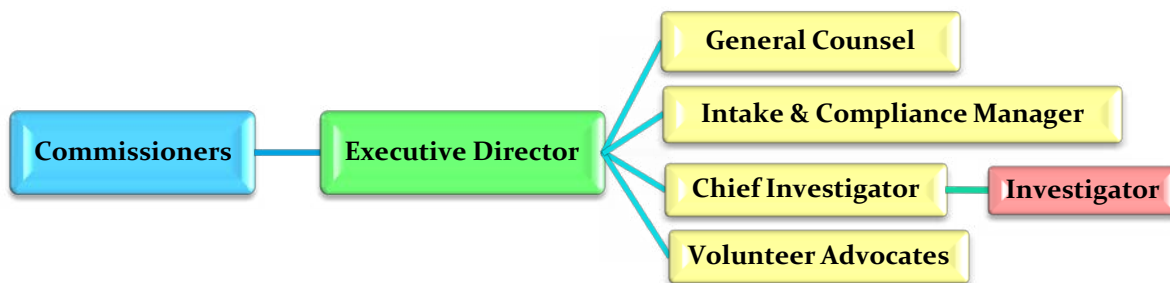
Persons who fall within the jurisdiction of the commission include:

- 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 commission is independence, and, by definition, the commission 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 commission is composed of five volunteer members who serve staggered terms of four years each. Each member of the commission 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 Bryan Kummerlen)**
- **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

Michael 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. He 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. Mr. Kridel 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 20 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

Clevis 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 and 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 doctorate 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.

BRYAN KUMMERLEN, MPA

Bryan Kummerlen was hired as a patrol officer by the West Palm Beach Police Department in 1987. During his 30-year career, he held a variety of assignments and was appointed as Chief of Police in 2014. Mr. Kummerlen was recognized as Palm Beach County Police Chief of the Year in 2016, and retired in the spring of 2017. Mr. Kummerlen is currently an independent security and risk consultant.



Mr. Kummerlen was raised in Palm Beach County. He attended Florida State University where he earned a bachelor's degree in criminology and earned a master's degree in public administration from Florida Atlantic University. Mr. Kummerlen also attended the Southern Police Institute Executive Leadership Program, Senior Management Institute for Policing, and the Florida Atlantic University Criminal Justice Executive Leadership Program.

He is a member of the Police Executive Research Forum, the International Association of Chiefs of Police, and the Palm Beach County Chiefs of Police Association. Mr. Kummerlen has served on the Palm Beach County Law Enforcement Planning Council, the Palm Beach County Criminal Justice Commission, the 15th Circuit Juvenile Justice Advisory Board, and as an Adjunct Professor of Criminal Justice at Florida Atlantic University.

JUDY M. PIERMAN

As former councilperson and first woman mayor of North Palm Beach, Judy 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 deputy director of the Hispanic Human Resources Council (HHRC) and its director of education, a post she has maintained since 1994. A long-standing educator, she is a former teacher in Ohio, New Jersey, Puerto Rico and Michigan and founder of pre-school programs in Ohio.



Ms. Pierman has served as president of the 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 the Deaf Service Center of Palm Beach County, Inc., and former director of the 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.

Sarah 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 to shut down fraudulent scams that victimized Florida consumers and homeowners, Ms. Shullman was named Consumer Protection Division Attorney of the Year.



Previously, Ms. Shullman 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* magazine'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 University 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, Ms. Shullman 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. Ms. Shullman frequently speaks at consumer protection seminars and prior to her appointment, served as a volunteer advocate for the Commission on Ethics.

IN MEMORY OF

MICHAEL F. LOFFREDO, PH.D.

Dr. Michael F. Loffredo, a former Jupiter Island police chief, was a member of the Palm Beach County Commission on Ethics from March 2014 until his passing in June 2017. Dr. Loffredo served 3 years as a military policeman and later remained in the U.S. Army Reserves for 25 years, retiring from the Criminal Investigation Command as a Chief Warrant Officer. After leaving active military duty in 1961, he was a Florida Highway Patrol trooper for seven years before becoming the fourth investigator hired by the newly founded Florida Department of Law Enforcement (FDLE). For the next 30 years, he was a special agent and supervisor in various FDLE offices, ending as special agent in charge of the West Palm Beach office.



Dr. Loffredo earned a Ph.D. in Criminal Justice Education from Union University in 1985. He was chief of the Jupiter Island Police Department from 1998 to 2005 and later was an adjunct faculty member at Lynn University, South University and Kaiser University. He will be missed by his friends and colleagues, as well as by the community he served for so many years.

COMMISSION STAFF

MARK E. BANNON, EXECUTIVE DIRECTOR

Mark Bannon became the third executive director of the Palm Beach County Commission on Ethics (COE) in December 2015, having been a COE staff member since 2010. Prior to becoming executive director, he served the COE as an investigator, senior investigator, interim staff counsel and interim executive director.



Mr. Bannon is a former assistant state attorney, where he prosecuted criminal cases in the Fifteenth Judicial Circuit in and for Palm Beach County.

A United States Army veteran, Mr. Bannon spent nearly 25 years serving as a deputy sheriff, supervisor and commander with the Palm Beach County Sheriff's Office working in patrol and on investigative and community support assignments before retiring from policing in 2005.

Mr. Bannon has a bachelor's degree in social psychology from Florida Atlantic University and a master's degree in public administration from Nova Southeastern University. He graduated from the University of Miami School of Law and was admitted to the Florida Bar in 2005.

Mr. Bannon authored a book titled *Criminal Procedure for Law Enforcement Officers*, which was published in 2003. He has taught criminal justice courses to graduate and undergraduate students at both Palm Beach State College and South University. He brings a unique blend of law enforcement and legal education and experience to the role of executive director of the Commission on Ethics.

GINA A. LEVESQUE, INTAKE AND COMPLIANCE MANAGER

Gina Levesque has been employed with the Palm Beach County Commission on Ethics since its inception in 2010. She began as an administrative assistant and is currently the Intake and Compliance manager. In addition to her role with the commission, Ms. Levesque is part of the Florida Region 7 All Hazards Incident Management Team.



Ms. Levesque attended college at Southern Illinois University at Edwardsville on a softball scholarship and still holds several team records. She graduated with a bachelor's degree in education in 1988 and taught K-12 in Missouri and Illinois.

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

CHRISTIE E. KELLEY, GENERAL COUNSEL

Christie Kelley began her legal career as an assistant state attorney in Florida's Fifth Judicial Circuit in Marion County. She later served as assistant director in the Center for Career Development at the University of Florida Levin College of Law where she advised 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 and graduated summa cum laude from the University of Florida with a bachelor's degree in business administration. She also earned her law degree from the University of Florida Levin College of Law graduating cum laude.

ANTHONY C. BENNETT, CHIEF INVESTIGATOR

Prior to joining the Commission on Ethics, Anthony Bennett spent 15 years serving the citizens of Broward County, Florida. He is a proud United States Army veteran who served on active duty during the first Gulf War in Operation Desert Storm.

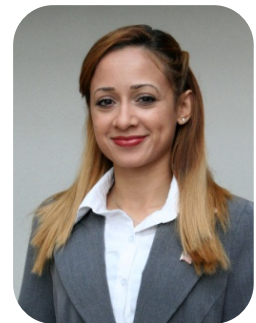


While employed with the Broward County Sheriff's Office, Mr. Bennett rose through several ranks from deputy sheriff to eventually becoming the executive officer/ombudsman to the executive director of the detention and community control divisions. After leaving public service for private sector employment, he held an executive level position as the director of corporate security for an infrastructure company based in Washington D.C.

Mr. Bennett holds active state of Florida certifications in both law enforcement and corrections. He graduated with a bachelor's degree in criminal justice from Lynn University. He is also a graduate of the Southern Police Institute Command Officers Development Program at the University of Louisville, Nova Southeastern University's Executive Leadership Program, and the U.S. Army's Rehabilitation Training Instructor Course at Fort McClellan, AL.

ABIGAIL IRIZARRY, INVESTIGATOR

Abigail Irizarry began her public service career with the Better Business Bureau and quickly moved to the Florida 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, she was promoted to the Office of Inspector General (OIG) for DCF.



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 statewide award.

Ms. Irizarry graduated from Florida State University with a bachelor's degree in criminology. In addition to her status as a certified inspector general investigator, she has completed training to become a certified fraud examiner.

EDUCATION

One of the commission'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 and related ordinances. 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 commission 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, staff created a new training DVD which featured a new PowerPoint presentation and updated examples.

In 2017, 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 commissions website and on YouTube. Each municipality and agency under the commission's jurisdiction determines the timeframe for re-training and the method of training.

WEB-BASED TRAINING

In addition to the employee and official training programs provided by Commission staff, the website has links to miscellaneous training videos, sunshine law materials, and an interactive online quiz.

TRAINING COMPLIANCE REVIEWS

Nine training compliance reviews were performed in 2017. Staff continues to work with the county and the municipalities to assist administrators with their training schedule policies for all public officials and employees.

OTHER OUTREACH EFFORTS AND SOCIAL MEDIA

Staff continues to issue a quarterly newsletter. The newsletter 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.

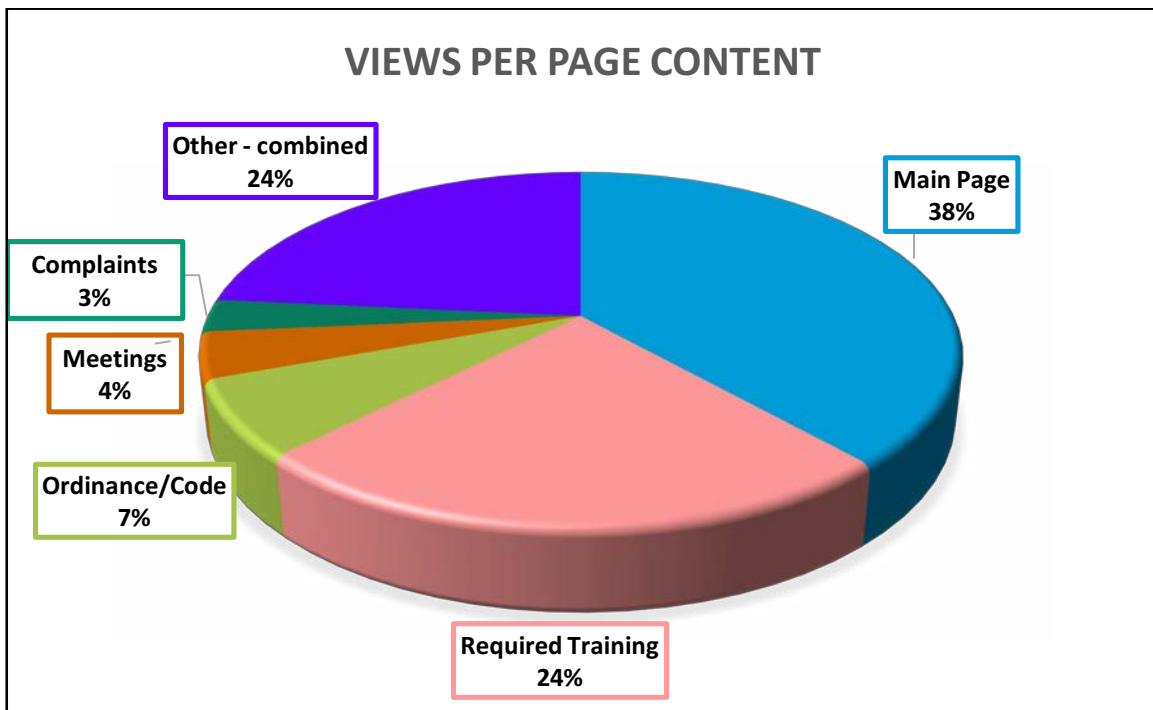
With pages on Facebook and Twitter, the public can access the commission through familiar media sites. In this way, the public can stay up to date with recent commission decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the commission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

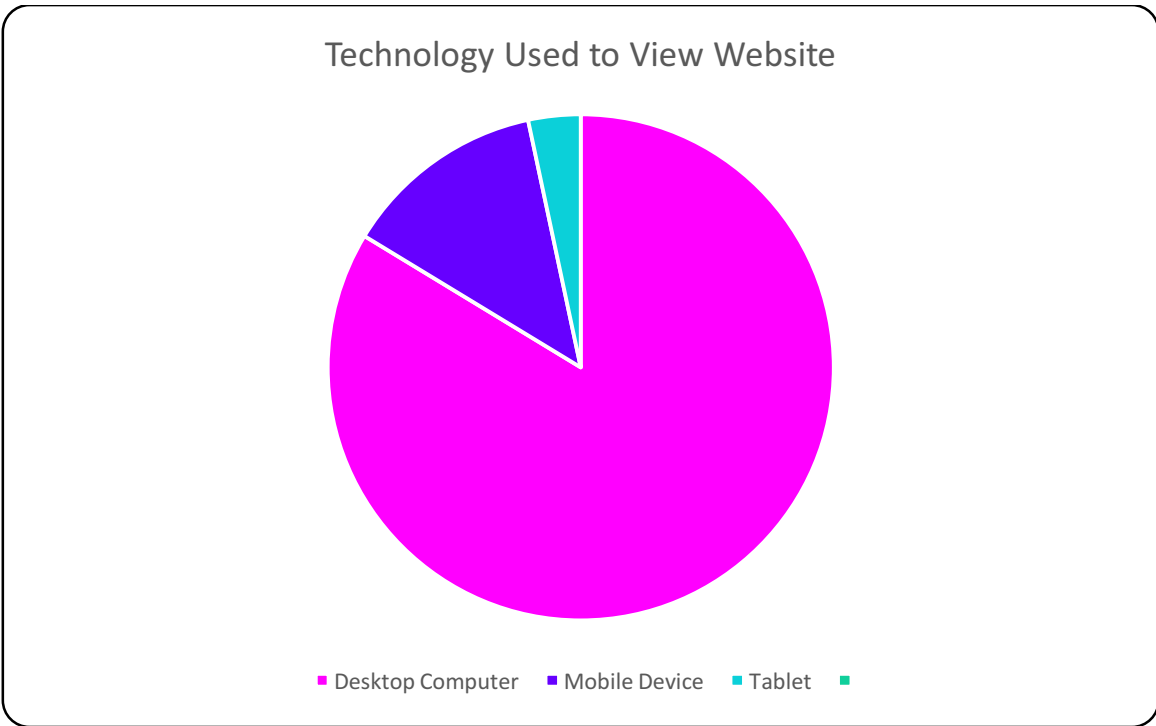
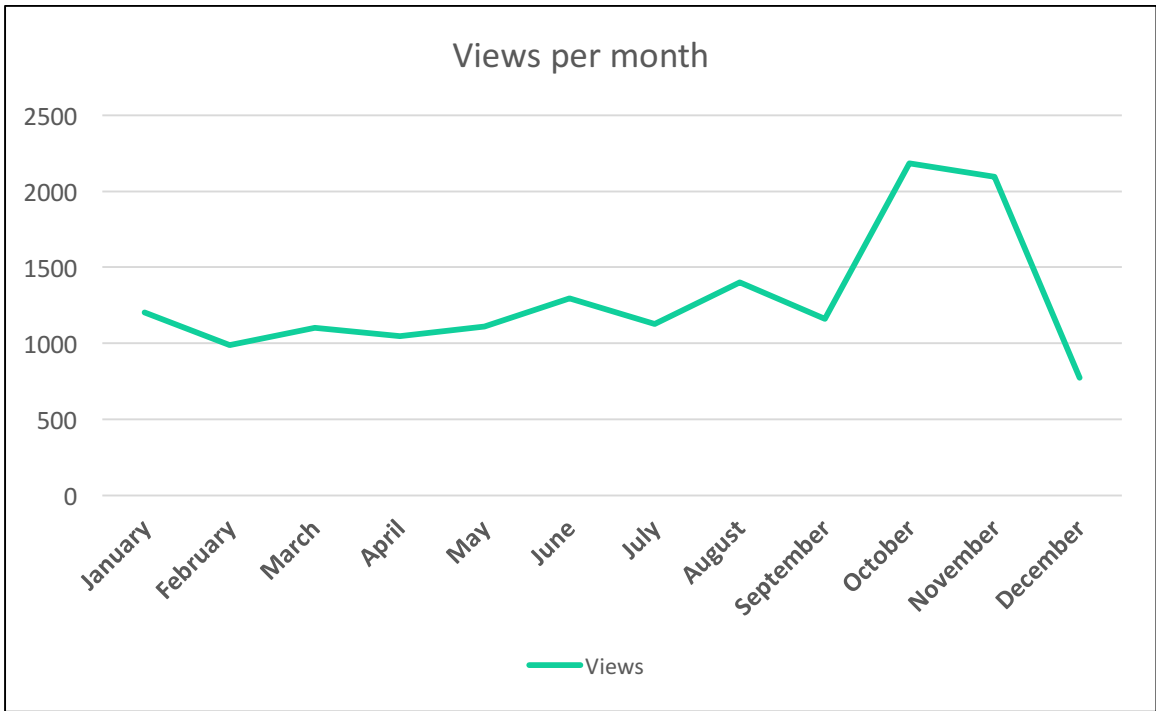
In 2017, staff members attended council or commission meetings in each of the 39 Palm Beach County municipalities.

WEBSITE

The commission 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 commission is prominently placed on the main page. The website format is compatible with wireless technology, tablets, and mobile devices.

In 2017, the commission website had approximately 26,000 total views.





Users in the United States, Canada, Germany, Indonesia, and Japan viewed the commission website. The website was most viewed by users in the municipalities of West Palm Beach, Boca Raton, Delray Beach, Greenacres, Jupiter, Palm Beach Gardens, Riviera Beach, and Wellington.

MULTIMEDIA

Videos of commission meetings are on the Meetings page.



Palm Beach County Commission on Ethics
Michael S. Kridel - Chair * Clevis Headley - Vice Chair * Bryan Kummerlen * Judy M. Pierman * Sarah L. Shullman

ADJUST FONT SIZE: + - RESET

Next Meeting:
Monthly Meeting - Thursday, January 11, 2018- 1:30 p.m. - Palm Beach County
Robert Weisman Governmental Center - 6th floor BCC Chambers
Agenda and Attachments
[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) 
- Fall 2017 Newsletter 

Meeting Schedule, Agenda & Attachments, Minutes and Meeting Videos

- 2018 [Click to compress/expand](#) 
- 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 commission'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:

Subject/Topic:
CHARITABLE SOLICITATION/FUNDRAISING
CODE 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:

Text Search:

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

Commission on Ethics

COMPLAINTS

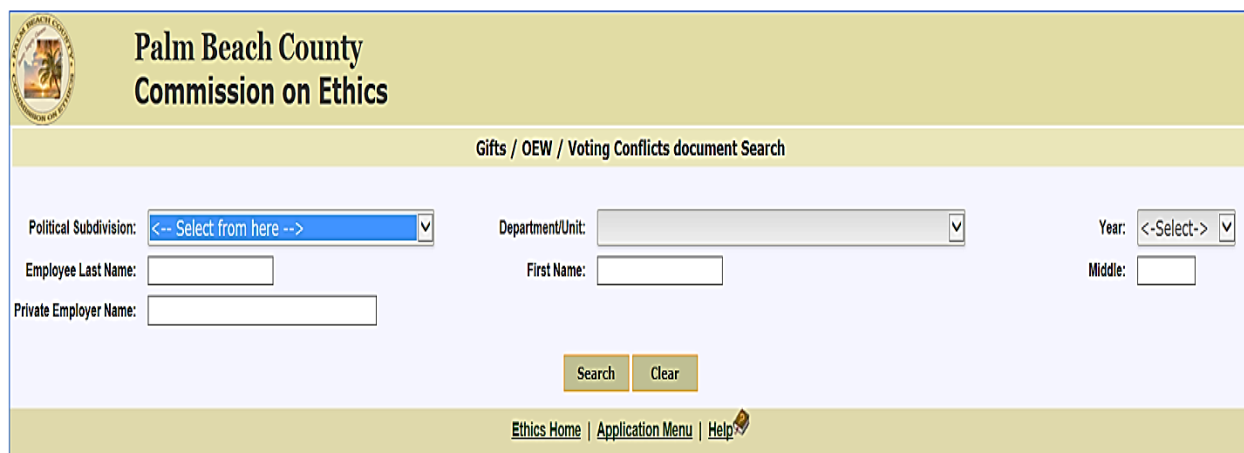
Once they become public record, all investigative materials, reports and audio files of sworn complaints are available for review under the Databases tab on the left side of the main page of the website.



The screenshot shows the 'Complaint Database Search' interface. At the top left is the Palm Beach County logo. The title 'Palm Beach County Commission on Ethics' is centered. Below the title is the search form. It includes a 'Complaint Year' dropdown menu with a list of years from 2010 to 2018. To the right of the dropdown is a 'Respondent Name' text input field. Below these fields are 'Search' and 'Clear' buttons. At the bottom of the page are links for 'Ethics Home', 'Application Menu', and 'Help'.

SEARCHABLE DATABASES

The commission'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 commission.



The screenshot shows the 'Gifts / OEW / Voting Conflicts document Search' interface. At the top left is the Palm Beach County logo. The title 'Palm Beach County Commission on Ethics' is centered. Below the title is the search form. It includes a 'Political Subdivision' dropdown menu, a 'Department/Unit' dropdown menu, and a 'Year' dropdown menu. There are also text input fields for 'Employee Last Name', 'First Name', and 'Middle'. A 'Private Employer Name' text input field is located below the 'Employee Last Name' field. At the bottom of the form are 'Search' and 'Clear' buttons. At the bottom of the page are links for 'Ethics Home', 'Application Menu', and 'Help'.

TRAINING

Staff allows municipal and county employees and officials to complete their training in-person, on a DVD, or via streaming video on a mobile device or on a computer.

Under the Training & Education tab on the commission's website, there is a full text copy of the Code and plain language guides for public employees and advisory board members. These trainings and guides are available to officials, employees, and members of the public who are interested in learning more about the Code and its real world application. Ongoing training is mandatory for all public officials and employees, and most jurisdictions require ethics training every one, two, or three years.

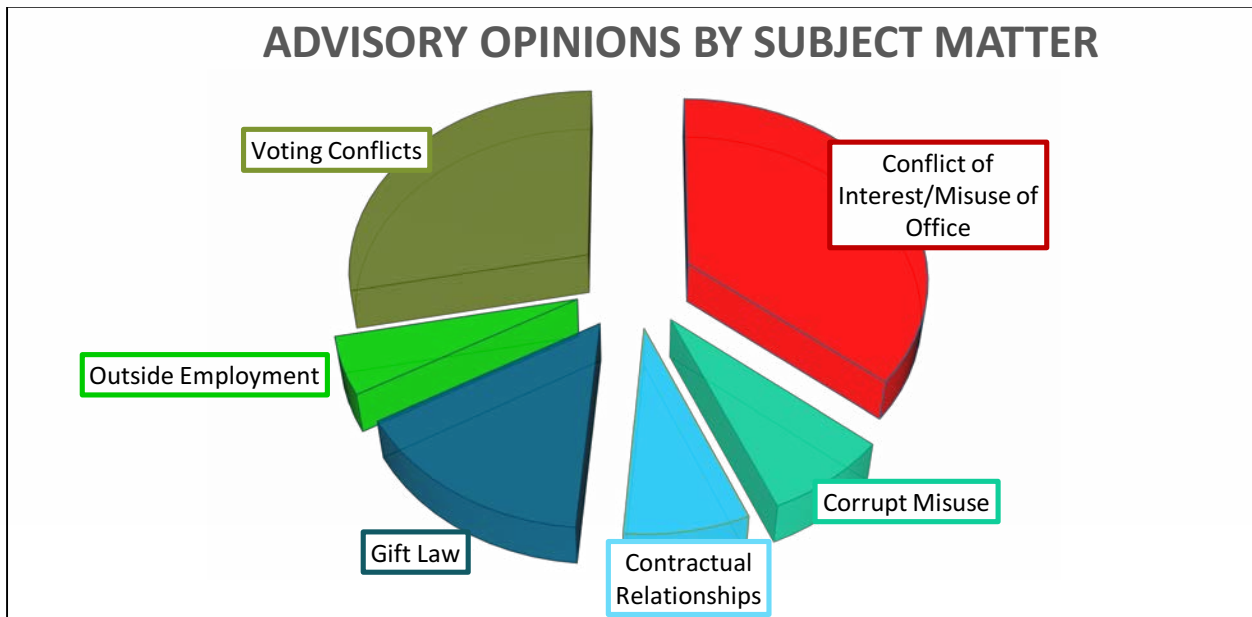


OTHER INFORMATION

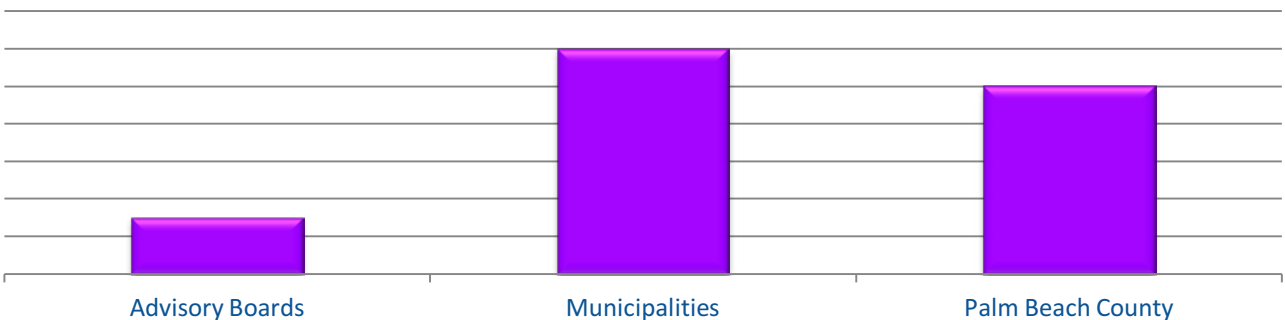
Serving as a gateway to information on ethics both locally and nationwide, the commission's website provides users with access and links to the Palm Beach County Inspector General, the State Attorney's Office, the Advisory Opinion database, and county vendor database. The Commission's website also provides a link to the lobbyist registration database utilized by the county and 35 of the 39 municipalities within the county. Employees, officials, and the public will always be able to access up to date information on the Code, applicable forms, and other resources on our site, including frequently asked questions.

ADVISORY OPINIONS: ASK FIRST, ACT LATER

In 2017, the commission issued 27 advisory opinions regarding voting conflicts, conflicts of interest, and gift law questions as the most common subject matters. Advisory opinions assist employees, officials and advisory board members and any other persons or entities subject to the Code, Lobbyist Registration Ordinance, or Post-Employment Ordinance to understand their obligations. When in doubt about the applicability or interpretation of the Code, employees, officials, and advisory board members may submit the facts of their particular situation to the commission in writing to request an advisory opinion. Each opinion is based upon the 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 are complete and accurate, the requesting party may rely on the commission's response. All of the advisory opinions are available in PDF format through the website in the advisory opinion database. The link for the database is in the menu on the left side of the website titled "[Published Advisory Opinions](#)".



Advisory Opinions by Entity



SUMMARIES OF NOTABLE 2017 ADVISORY OPINIONS

The Code is published in 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 commission must interpret the words of the Code 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 commission during 2017. They are included here for educational purposes only. These summaries are not intended as legal advice.¹ Each opinion is based upon the facts and circumstances associated with that opinion. 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. In 2017, Staff managed 98 advisory opinion requests by referring the requesting party to prior opinions.

MISUSE OF OFFICE

The Code 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: Would a conflict of interest arise for an employee of Palm Beach County, if he is appointed to the One-Cent Citizen Surtax Committee and the Charter Review Board for the City of Riviera Beach? **RQO 17-007**

Answer: The employee must ensure he does not his position as a municipal advisory board member or as a county employee in any way to give a special financial benefit to himself or to any of the prohibited persons or entities listed in §2-443(a). Because he would have the ability to participate in discussions as well as to vote on matters before these boards, he must also understand that under §2-443(c), he may neither participate in nor vote on any matter that will give a special financial benefit to himself or anyone listed in §2-443(a).

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 to the Commission.

¹ To 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 voting conflict exist for a city council member when a client of her spouse's employer appears before the city council on a matter unrelated to the services provided by the firm. **RQO 17-012**

Answer: The council member will not have a voting conflict under these circumstances. The matter before the city council involving the client of her spouse's employer will not provide a financial benefit to her spouse or to his employer. The client will be appearing on issues related to the multiple properties throughout the city of Boca Raton in which he has a financial interest. These issues are unrelated to the services provided by her spouse or the spouse's employer. Therefore, a voting conflict would not arise for the council member under section 2-443(a)(2) or section 2-443(a)(4) because neither her spouse nor her spouse's employer would receive a financial benefit from the matter before the city council.

GIFTS

The Code 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 public employees or officials from accepting a gift valued at over \$100 when the gift was given by an anonymous source and reasonable efforts were made to identify the gift giver? **RQO 17-016**

Answer: The Code prohibits the acceptance of a gift with a value over \$100 in the aggregate for the calendar year from any person or entity that the public employee or official knows, "or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist who lobbies or who sells or leases to the county." After making a reasonable effort to identify the gift giver, it cannot be assumed the gift was from a prohibited source, so the employee or official can accept the gift, but must next determine whether the gift must be reported. If the value of the gift exceeds \$100, the gift must be reported on a gift form. Because the gift was from an anonymous source, best practice would be to include a short statement as to why you do not know the name of the person making the gift and what steps you took to try and identify the person.

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: Would a prohibited contractual relationship exist for a Town of Cloud Lake council member if his son's business, Clean Slate Property Maintenance, LLC, enters into a contract with the town to provide pump maintenance services to the town? *RQO 17-005*

Answer: The council member and his outside employer or business are prohibited from entering into any contract or other transaction to provide goods or services to the town. Because his son owns over five percent ownership interest in the business, the business is considered the council member's "outside business" under the Code. Thus, the son's business is prohibited from entering into any contract to provide goods or services to the town, unless it meets the sole source exception. If the son's business is the only business located within the Town of Cloud Lake providing these pump maintenance services, the business would meet the sole source exception and a prohibited conflict of interest would not exist. If another business within the town also provides the same services, then that exception would not apply.

OUTSIDE EMPLOYMENT

The Code defines an outside employer as any "entity, other than the county, the state, or any other federal, regional, local or municipal government 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." The Code defines an outside business as any "entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest."

Question: May a municipal employee who works in the Geographic Information System (GIS) Division also operate a part-time GIS consulting business without violating the Palm Beach County Code of Ethics (Code)?
RQO 17-019

Answer: As long as the employee and his outside business do not enter into any contract or other transaction for goods or services with his government employer and he operates his business outside of his public work hours, he will not violate the contractual relationships section of the Code. He must not use his governmental employment in any way to give a special financial benefit to himself, his outside business, or the customers or clients of his outside business. This would include the use of computer software or hardware or other tools provided to him by his government employer in his private business.

COMPLAINTS

THE COMPLAINT PROCESS

Any person may file a complaint with the commission by submitting a written notarized complaint executed on an approved form available by mail or on our website. The complaint must allege a violation of the code of ethics, lobbyist registration or post-employment ordinance that is based substantially upon personal knowledge and signed under oath or affirmation by the complaining person. The commission maintains a searchable library of all of the reports and documents regarding of all sworn complaints once a probable cause determination has been made.

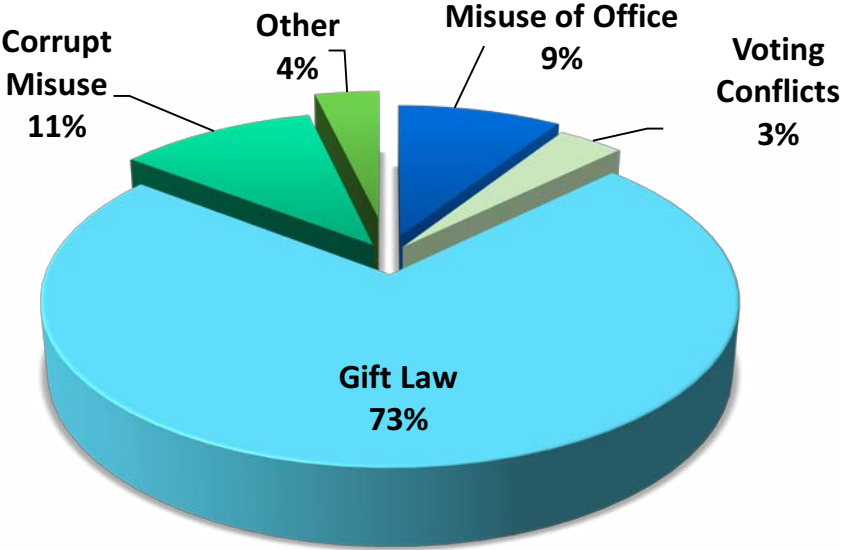
In addition, citizens can leave information and tips anonymously on the commission's hotline at 877-766-5920 or by email to ethics@palmbeachcountyethics.com. If you chose to remain anonymous, you must be sure to provide specific, detailed information that will allow investigators to determine the identity of persons who 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.

STATISTICAL SUMMARY OF COMPLAINTS FILED JANUARY 1, 2017 THROUGH DECEMBER 31, 2017

In 2017, there were 46 filed complaints, consisting of 44 self-initiated complaints and 2 complaints from individuals. Of those 46 complaints, 34 are still pending, eight resulted in a finding of probable cause and issuance of a letter of instruction, two were administratively dismissed, and two were dismissed with a finding of no probable cause. In addition, the commission also heard five complaints that were filed in 2016, with one complaint found to have probable cause and dismissed with a letter of instruction, one complaint found to have probable cause and dismissed with a letter of reprimand, one complaint going to a final hearing with a finding that Sec. 2-443(a), *Misuse of public office or employment*, was violated.

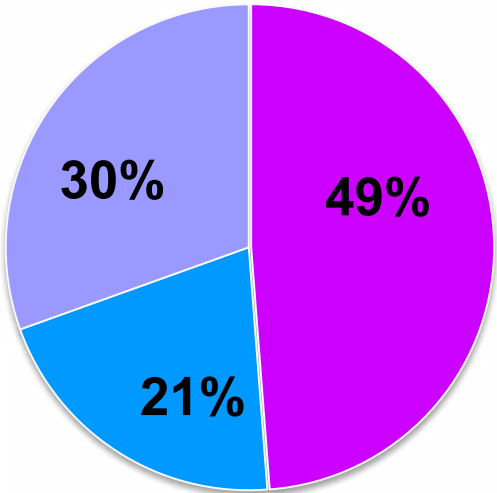
In addition, staff opened inquiries into 34 matters based upon information received other than by formal complaint. Of the inquiries, five were not legally sufficient, 19 became the basis for self-initiated complaints, one is ongoing, and 8 involved the failure of lobbyists to file a lobbyist expenditure report and resulted in the suspension of their lobbying activities in the county. The commission also disposed 11 inquiries, pending from 2016, with four closed with no action taken, and seven filed as self-initiated complaints.

Complaint Subject Matter



Complaints & Inquiries by Entity

■ Municipalities ■ County ■ Lobbyist



COMPLAINT PROCESS DIAGRAM



FISCAL REPORT

Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for commission operations. For fiscal year 2017, the budget came out of the county’s general fund account.

The commission’s operating budget was \$634,700 for fiscal year 2017. The commission expended \$634,609.37 of those funds. Thus, while we stayed within our allotted budget, we spent a higher than normal portion of our operating budget. This is mostly due to Hurricane Irma and the impact of overtime costs associated with working at shelters and other locations during this storm. Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget at www.pbcgov.org/ofmb.

2018 PROJECTS

Anticipated		Description	Expected Results
Start	Finish		
1 st Quarter	4 th Quarter	Create five-minute video clips on the most frequently asked questions 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 the Commission’s website	Maintain best possible information portal for public use



PalmBeachCountyEthics.com
Hotline: (877) 766-5920