

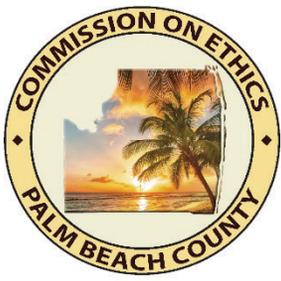


Honesty - Integrity - Character

2020 ANNUAL REPORT

2020 ANNUAL REPORT





Honesty - Integrity - Character

Palm Beach County Commission on Ethics

Commissioners

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Rodney G. Romano
Michael H. Kugler
Carol E.A. DeGraffenreidt

Executive Director

Mark E. Bannon

January 1, 2021

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 2020 Annual Report of the Palm Beach County Commission on Ethics (Commission).

Calendar year 2020 marked the tenth year of operation for the Commission. We are very proud to be entering our eleventh year of operation. The agency's mission 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"* remains important to those who live, work, or even visit Palm Beach County. We complete our mission as an independent watchdog agency by acting to review, interpret, render advisory opinions, and enforce the countywide Code of Ethics (Code), as well as the Lobbyist Registration Ordinance and the county Post Employment Ordinance. 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. As we have in the past, Commission staff completed in-person and on-site ethics training sessions and outreach programs for our various stakeholders during 2020. In addition to training, staff performed ethics training compliance reviews. As a part of the compliance reviews, staff worked with municipal administrators to recommend changes to ethics training policies where indicated, and to ensure that ethics training and re-training was completed as required by the Code. Additionally, municipal and county officials and employees continue to show that they are living by our mission statement by contacting staff with questions to ensure that their actions comply with the Code.

This year Commission staff, with input from the county and municipal representatives, completed the process of reviewing the Code as well as the Commission on Ethics and the Lobbyist Registration Ordinances for proposed changes so they will be more effective and efficient. These proposals were presented to you in 2020 for your input and approval. Due to the COVID-19 pandemic, much of our work was done from offsite, but through the use of available technology we were able to maintain the high standards we have always required of commission staff in all areas of our work.

Commission Chair Peter L. Cruise and Vice Chair Michael S. Kridel led the Commission on Ethics in 2020. Joining them in furtherance of Commission goals and objectives during 2020 were Commissioners Rodney G. Romano, as well as two (2) new commissioners that were appointed to the Commission in 2020, Michael H. Kugler (appointed by the Palm Beach County Police Chief's Association to replace former Commissioner Bryan Kummerlan whose term ended in 2020), and Carol E.A. DeGraffenreidt (appointed by the three local bar associations to replace former Commissioner Sarah Shullman, who was appointed by Florida Governor Ron DeSantis as a County Court Judge in 2020). We are once again extremely lucky to have such qualified individuals appointed to the Commission.

Our social media presence on Facebook (www.facebook.com/pbccoe) and Twitter ([@pbccoe](https://twitter.com/pbccoe)) continues, and we will continue to work to increase our social media outreach in 2021. In addition to providing revised web-based training modules for public officials, employees, vendors, and lobbyists, we will continue to maintain and improve our 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 remains fully searchable, including all processed complaints and advisory opinions with the enhancements mentioned previously. As we have always done, we will continue to enhance and upgrade the site throughout 2021 as needed.

Fiscally, Palm Beach County budgeted \$681,533 for the Commission during fiscal year 2020. Staff continues to maintain careful stewardship of staff, operations, and procurement costs, expending \$680,598.71 of the allotted funding, returning \$934.29 to the County General Fund. This makes the tenth consecutive year the Commission has completed its work within the allocated budget with no overages. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget.

300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401 561.355.1915 FAX: 561.355.1904

Hotline: 877.766.5920 E-mail: ethics@pbcgov.org

Website: palmbeachcountyethics.com

With the close of calendar year 2020, it remains clear that the operations, output, and missions of the Commission are sound. Staff intends to continue the hard work in 2021 with our commissioners, public officials, public employees, and other community stakeholders to continue to make improvements to our level of service.

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

Sincerely,

A handwritten signature in blue ink that reads "Mark E. Bannon". The signature is fluid and cursive, with a large loop at the end of the last name.

Mark E. Bannon,
Executive Director

MEB/gal

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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 eleventh 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 over 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 1.511 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. The Commission also has limited jurisdiction over all county and municipal vendors, as well as all lobbyists, principals of lobbyists, and employers of lobbyists who lobby the county or any of the covered municipalities.

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.

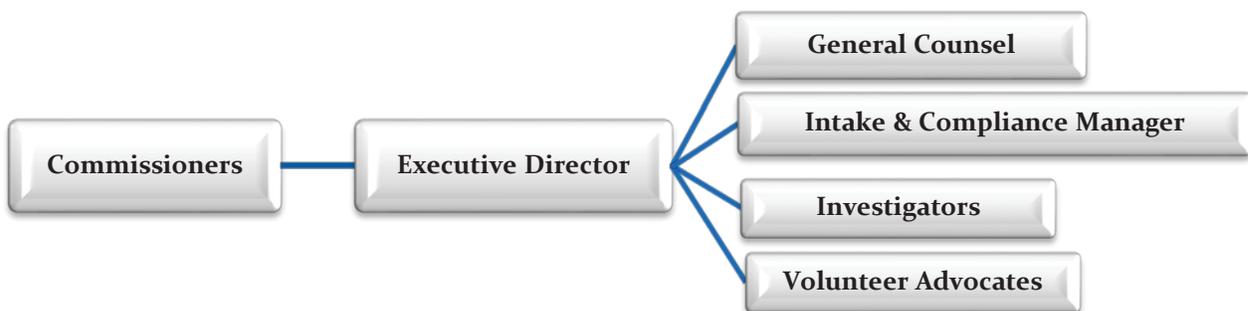
Persons who fall within the jurisdiction of the commission include:

- 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
- Other local governmental 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 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.

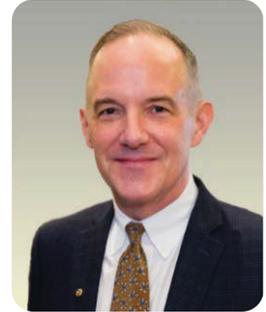
Members are appointed by the following individuals or institutions:

- **President of 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. **(Chair, Commissioner Peter L. Cruise)**
- **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 of experience as a CPA with forensic audit experience. **(Vice Chair, Commissioner Michael S. Kridel)**
- **Palm Beach County League of Cities** - one appointment with the following qualifications: A former elected official for a governmental entity within the county. **(Commissioner Rodney G. Romano)**
- **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 Carol E. A. DeGraffenreidt)**
- **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 Michael H. Kugler)**

COMMISSIONERS

PETER L. CRUISE, PH.D., CHAIR

Peter Cruise is Executive Director of the LeRoy Collins Public Ethics Academy and Affiliate Associate Professor at Florida Atlantic University. Since graduating with his Ph.D. in Public Administration from FAU in 1995, Dr. Cruise taught ethics and organizational behavior in both undergraduate and graduate students in universities such as California State University-Chico, Golden Gate University, Louisiana State University and Mary Baldwin University. Before beginning his academic life, his professional career started in West Palm Beach in the early 1980s, working at St. Mary's Hospital, and the Palm Beach Blood Bank, and later at Martin Memorial Hospital in Stuart. In addition to many published articles, he is the co-editor of the Handbook of Organization Theory and Management: The Philosophical Approach (2nd Edition, 2006). In April 2015, Dr. Cruise was selected as a Distinguished Alumnus by the faculty of the College of Design and Social Inquiry at Florida Atlantic University.



MICHAEL S. KRIDEL, CPA, CFF, CITP, CFC, VICE CHAIR

Michael Kridel is a Certified Public Accountant and Shareholder in Michael S. Kridel, C.P.A., P.A., in Delray Beach. Mr. Kridel has practiced public accounting in South Florida since graduation from The George Washington University. Prior to reestablishing his named practice in 2018, he was a Partner in Daszkal Bolton for 17 years and a Principal in Rehmann Robson for nearly 5 years. Mr. Kridel has provided accounting, tax and 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 defense.



Mr. Kridel is a frequent speaker and author, 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 for CPAs in Florida, an online instructor in forensic accounting courses for the University of North Carolina at Charlotte, and a guest instructor at Florida Atlantic University and other institutions. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today. Mr. Kridel has been a Rotarian since 1986 and is a board member of multiple not-for-profit organizations. For over 25 years, Mr. Kridel has facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools.

RODNEY G. ROMANO, ESQ.

Rodney Romano is a Florida Licensed Attorney and Supreme Court Certified Circuit Civil Mediator. He founded Matrix Mediation in 2006 to bring a next level of excellence and consistency to the mediation profession. Mr. Romano has conducted more than 22,000 hours of circuit civil mediations and has been a member of the Florida Supreme Court appointed Mediator Qualifications and Disciplinary Review Board since 2009. He is a former Board Certified Civil Trial Attorney and served 4 terms as Mayor of the City of Lake Worth, Florida.



Mr. Romano earned his law degree from Nova Southeastern University and his Bachelor of Arts degree from Emory University. Prior to admission to the Florida Bar, Mr. Romano was a Florida Licensed Nursing Home

Administrator and a Florida Certified General Contractor. He is a licensed (non-current) private pilot, a Nitrox-certified scuba diver, and a lifelong resident of Palm Beach County. Mr. Romano is married to Lynnette and has five children and four grandchildren.

MICHAEL H. KUGLER, ESQ.

Michael Kugler has dedicated his career to obtaining justice through our court system on behalf of all categories of victims. Mr. Kugler began his legal career at the Office of the State Attorney in Palm Beach County. With over 100 jury trials, Mr. Kugler prosecuted every crime from DUI to Capital Sexual Battery to the Death Penalty. As a vital member of the Special Victims Unit, Mr. Kugler prosecuted the most violent predators in our community and gave a voice to child victims of sexual abuse. Mr. Kugler is a member of the Sexual Assault Response Team (SART) for Palm Beach County which created and runs the county's first dedicated sexual assault examination site, which coordinates the medical, law enforcement, forensic, and legal response to sexual violence in the community. Mr. Kugler gained national media attention with his prosecution of a former WPTV Weatherman who sexually preyed on young and vulnerable teenagers.



Originally from California, Mr. Kugler came to South Florida on an academic scholarship to the University of Miami where he obtained his Bachelor of Business Administration. Before attending law school at Nova Southeastern University, Mr. Kugler was a licensed stock broker working for a boutique broker dealer in Boca Raton. While at Nova Southeastern University Law School, Mr. Kugler was a member of multiple mock trial teams, and the Vice President of the school's trial organization.

CAROL E. A. DEGRAFFENREIDT, ESQ.

Carol DeGraffenreidt is an experienced government attorney with extensive state and federal criminal and civil trial experience, serving as the lead attorney in over 100 criminal and civil trials. Ms. DeGraffenreidt began her career as an Assistant State Attorney for the 17th Judicial Circuit, where she was Broward County's first black female Assistant State Attorney. Ms. DeGraffenreidt next served as an Assistant United States Attorney for the Southern District of Florida in both the civil and criminal divisions. Ms. DeGraffenreidt represented the United States in matters involving criminal and civil asset forfeiture, land condemnation, environmental law, personal injury, medical malpractice, employment discrimination, civil health care fraud, procurement fraud, money laundering, firearms, and mail and wire fraud. Ms. DeGraffenreidt was also cross-designated as an Assistant State Attorney for the 11th Judicial Circuit to assist in the prosecution of tourist car-jacking cases.



Ms. DeGraffenreidt is currently a Senior Assistant Attorney General assigned to the Consumer Protection Division of the Florida Attorney General's Office. Ms. DeGraffenreidt handles complex consumer protection matters involving false and deceptive business practices regarding advertising, telemarketing, timeshare sales, mortgage foreclosure loan assistance, debt relief and consolidation, improper debt collection practices, bankruptcy, moving services, and price gouging matters.

Ms. DeGraffenreidt is a Florida native and a graduate of Spelman College and University of Maryland School of Law.

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 entitled "A Quick Reference Guide to Contemporary 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.

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 is also a Certified Fraud Examiner, as awarded by the Association of Certified Fraud Examiners.

MARK A. HIGGS, INVESTIGATOR

Mr. Higgs is a U.S. Air Force veteran who spent nearly 30 years in law enforcement with the Chicago Police Department as a patrol officer and sergeant. He received specialized training through the Department of Homeland Security, the Bureau of Justice Assistance, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation.



Based on his extensive background in intelligence writing and analysis, Mr. Higgs became the supervisor of the Counter Terrorism Section and served as a Senior Watch Officer in the Crime Prevention and Information Center for the Chicago Police Department. He later became a supervisor in the department’s Intelligence Section of the Organized Crime Division, and served on the Joint Terrorism Task Force for the Federal Bureau of Investigation. Mr. Higgs finished his law enforcement career as an investigator and case management supervisor in Internal Affairs for the Chicago Police Department.

Mr. Higgs earned a bachelor’s degree in Law Enforcement Management and a master’s degree in Public Safety Administration from Calumet College of St. Joseph (Whiting, Indiana). Mr. Higgs is also a Certified Fraud Examiner, as awarded by the Association of Certified Fraud Examiners.

EDUCATION

One of the commission's critical responsibilities is to teach and empower county and municipal employees, officials, local government vendors, persons seeking government contracts, lobbyists, and the public with knowledge of 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

Upon appointment, 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

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. Ethics training is required for all county and municipal elected officials, employees, contract employees, volunteer officials, members of code enforcement boards (including the Commission on Ethics), and advisory board members. Each municipality and agency under the commission's jurisdiction determines the timeframe for re-training and the method of training.

In 2020, due mostly to Covid-19 restrictions, staff conducted only 6 in-person, on-site trainings to county and municipal employees, officials, and advisory board members. Training was also available on DVD, through internet streaming from the commissions' website, and on YouTube.

WEB-BASED TRAINING

In addition to the employee and official training programs provided by commission staff, the website has links to sunshine law materials, an interactive online quiz, and miscellaneous training videos, including a video navigating the lobbyist registry database and the Palm Beach County vendor database to help employees and officials identify whether someone is a vendor, lobbyist, or principal or employer of a lobbyist.

TRAINING COMPLIANCE REVIEWS

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

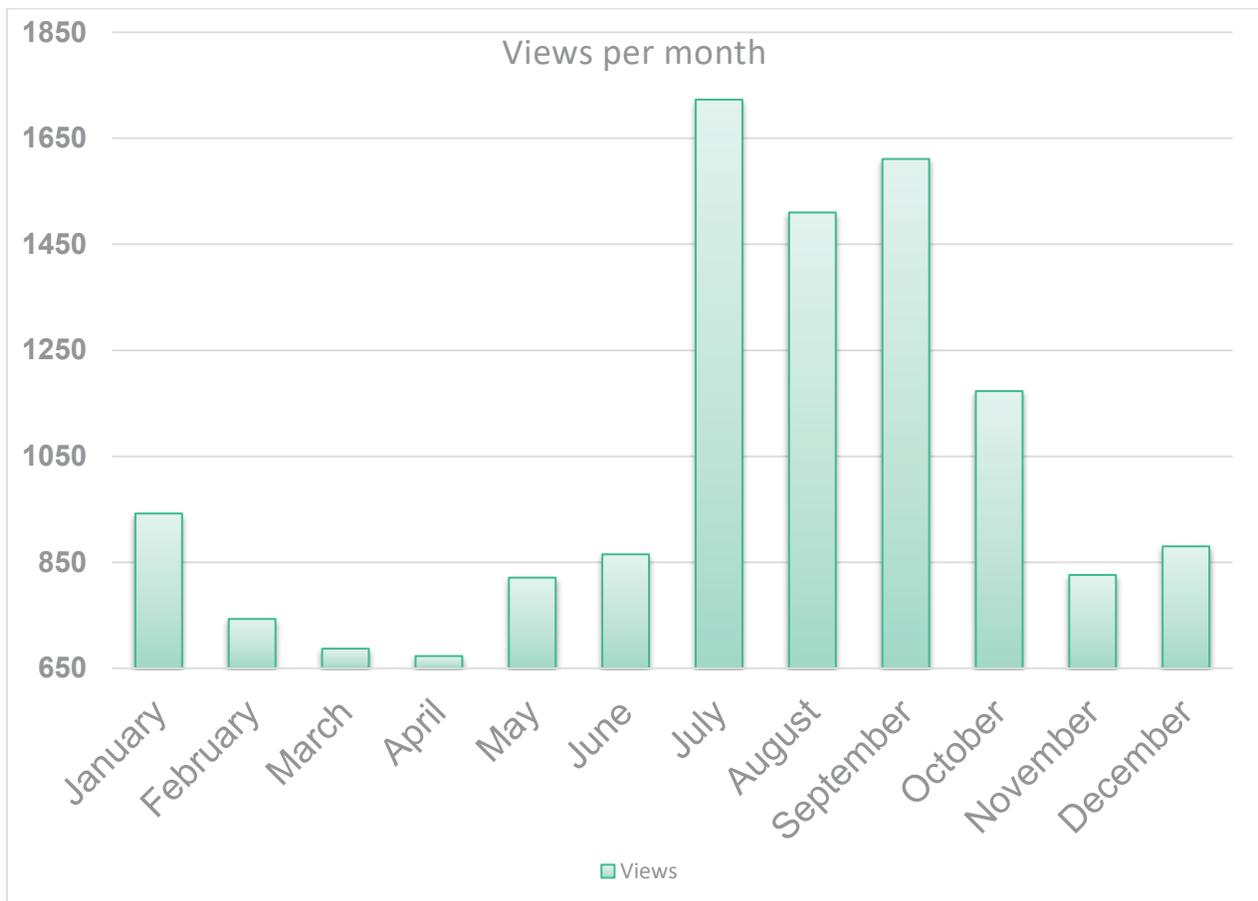
Staff endeavors to issue a quarterly newsletter. The newsletter is posted online and sent to the county and the municipalities for distribution to employees and officials. The newsletter contains various topics of interest and current information about recent advisory opinion and complaints.

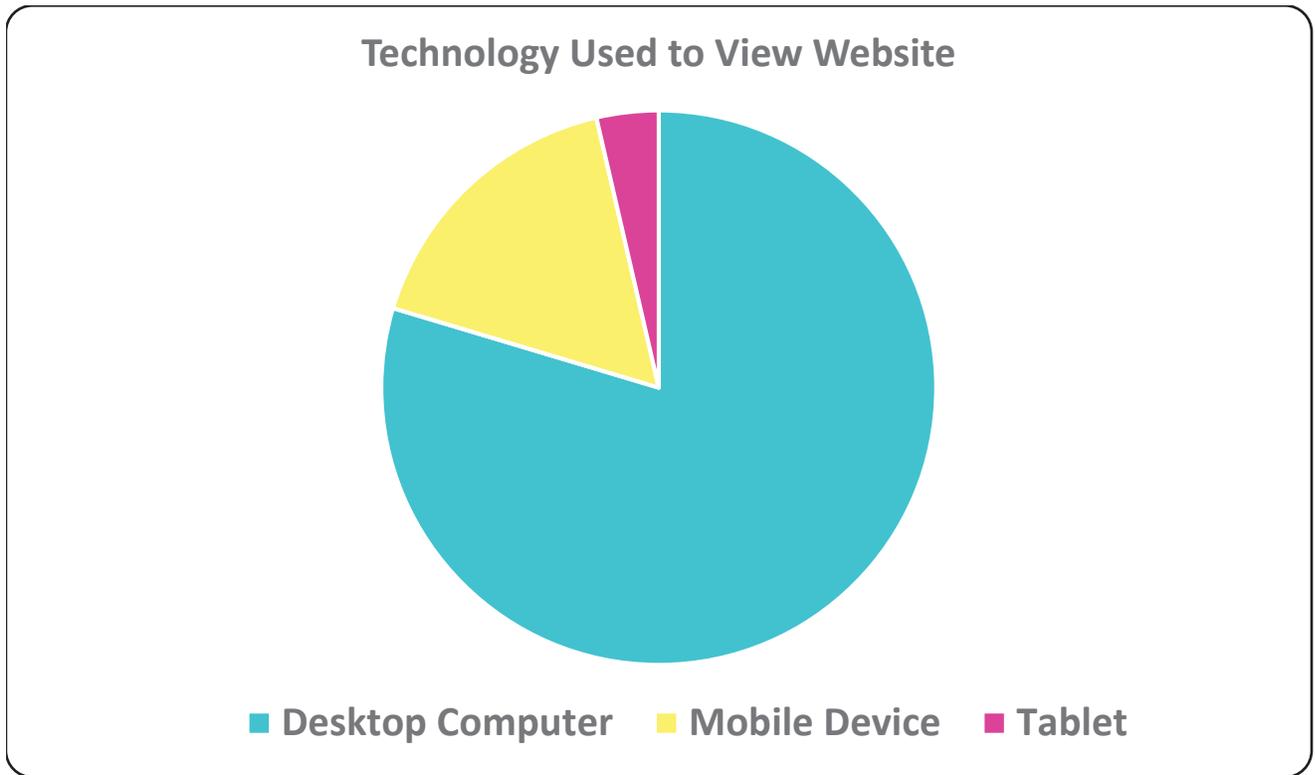
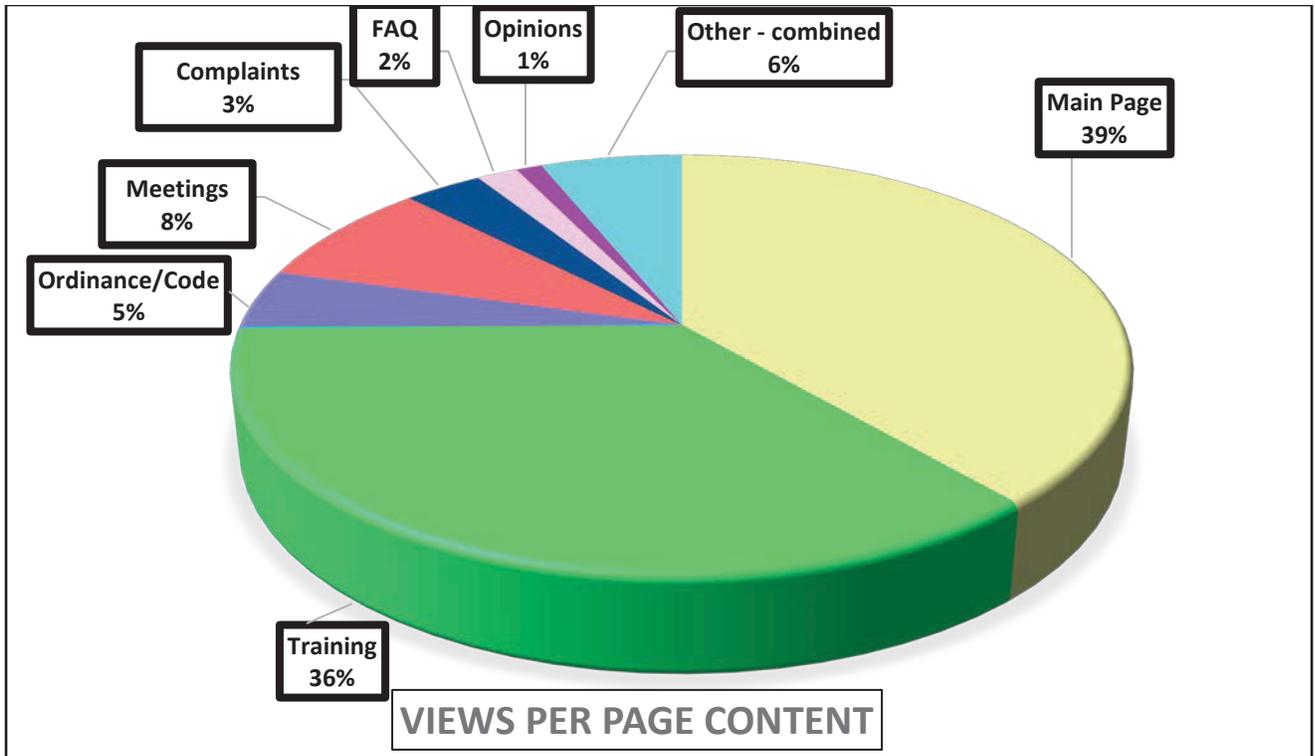
With pages on Facebook and Twitter, the public can access the commission through familiar media sites. In this way, the public can stay up to date with recent commission decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the commission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

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 2020, the commission website had approximately 26,100 page views and 11,300 unique users.





Users in the United States, Taiwan, South Korea, France, Canada, Germany, China, United Arab Emirates, and Argentina were the top viewers of the commission website. In the United States, the website was most viewed by users in the municipalities of West Palm Beach, Miami, Wellington, Greenacres, Palm Beach Gardens, Boca Raton, Orlando, Boynton Beach, Delray Beach, and Jupiter.

MULTIMEDIA

Videos of all commission meetings are available on the Meetings page.



Meeting Schedule, Agenda & Attachments, Minutes and Meeting Videos

2021 ▶ Click to compress/expand ◀

2020 ▶ Click to compress/expand ◀

Date	Time	Location	Agenda & Attachments	Minutes	Video
1/9/20	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	CANCELLED-NO QUORUM		
1/16/20	2:00 p.m.	Gov Ctr-6th floor BCC Chambers	C18-006 Status Check	Minutes	Meeting Video
2/6/20	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
3/5/20	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Video A / Video B
4/3/20	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	CANCELLED - COVID-19		
5/7/20	1:30 p.m.	Gov Ctr-6th floor BCC Chambers	Agenda & Attachments	Minutes	Meeting Video
6/4/20	1:30 p.m.	Virtual via Webex	Agenda & Attachments	Minutes	Meeting Video
6/24/20	11:00 a.m.	Virtual via Webex	Agenda	Minutes	Meeting Video
7/9/20	1:30 p.m.	Virtual via Webex	Agenda & Attachments	Minutes	Meeting Video
8/6/20	1:30 p.m.	Virtual via Webex	Agenda & Attachments	Minutes	Meeting Video
9/3/20	1:30 p.m.	Virtual via Webex	Agenda & Attachments	Minutes	Meeting Video

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. The commission actively searches for ways to make the database as user friendly as possible.

Palm Beach County Commission on Ethics

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:

- 2010
- 2011
- 2012
- 2013
- 2014
- 2015
- 2016
- 2017
- 2018
- 2019
- 2020

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

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

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.



Palm Beach County Commission on Ethics

Complaint Database Search

Complaint Year:

Complaint Number:

Respondent Name:

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

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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.



Palm Beach County Commission on Ethics

Gifts / OEW / Voting Conflicts document Search

Political Subdivison: Dept/Unit: Year:

Employee Last Name: First Name: Middle:

Private Employer Name:

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. This training is also available to members of the public through the COE website as well.

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.



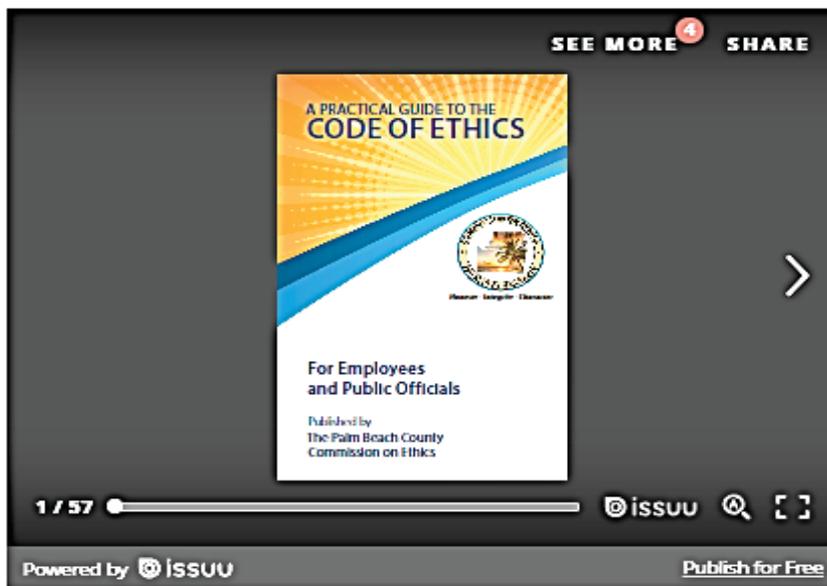
Training Video

- [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)



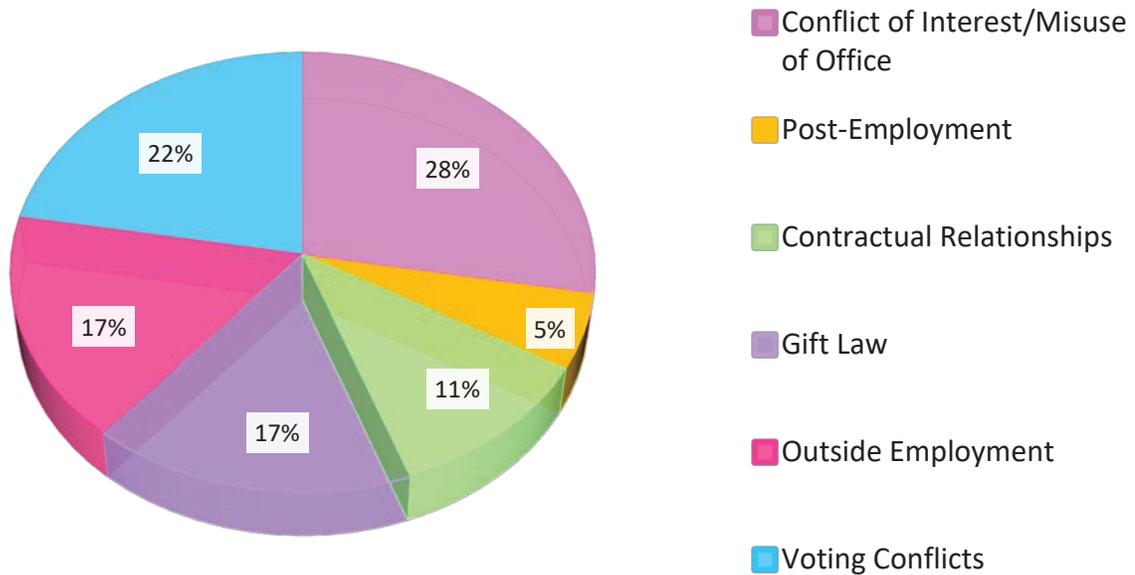
OTHER INFORMATION

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.

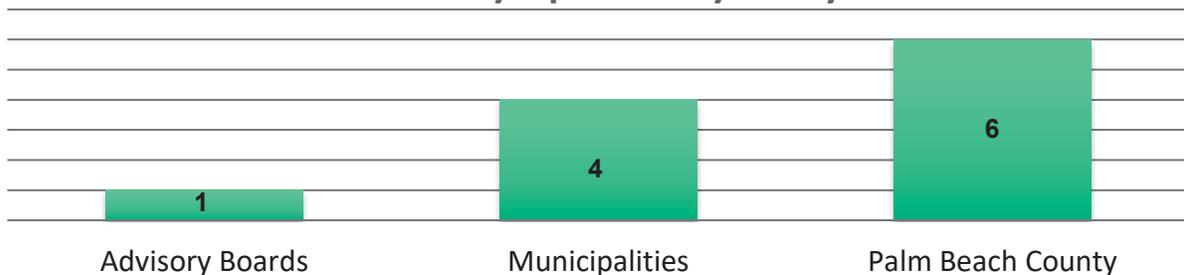
ADVISORY OPINIONS: ASK FIRST, ACT LATER

In 2020, the commission issued 11 advisory opinions regarding voting conflicts, conflicts of interest, and gift law questions as the most common subject matters. The average turn-around time from the request of an advisory opinion to the completion of a proposal advisory opinion by staff was 12 days. Staff submitted the completed proposed advisory opinions for final approval at the Commission's next regularly scheduled monthly meeting. 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 submitted with the request. 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 SUBJECT MATTER



Advisory Opinions by Entity



SUMMARIES OF NOTABLE 2020 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 2020. 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 submitted with the request. 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 2020, staff managed 56 advisory opinion requests by referring the requesting party to prior opinions.

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.

Question: Is an elected official prohibited from participating in discussions and voting on a matter involving an investor in 88 Napkins, LLC, where 88 Napkins is a client of a company that has an ownership interest in the official's outside business? **RQO 20-007**

Answer: Because the official does not have an ownership interest in any of the companies involved and 88 Napkins is not a customer or client of his outside business, there is not a sufficient nexus between 88 Napkins, LLC and his outside business to prohibit a vote by him regarding the solicitation involving the investor in 88 Napkins, LLC. Similarly, because the 88 Napkins investor does not have an ownership interest in the company that has an ownership interest in the official's outside business, there also is not a sufficient nexus between the investor in 88 Napkins, LLC and his outside business which would prohibit a vote by him in this matter. Thus, he is not prohibited from voting on or participating in this matter as long as the companies that have an ownership interest in his outside business are not involved with this upcoming solicitation.

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.

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: Are officials and employees of the city of Delray Beach prohibited from accepting tickets to the Delray Beach Open Tennis Tournament from the city? **RQO 20-002**

Answer: City officials and employees are not prohibited from accepting these tickets because the tickets are an inseparable part of the contract between the vendor and the city. Because the city is paying for these tickets through the contract, it is not prohibited from distributing the tickets to its officials or employees. However, city officials and employees must report the tickets as gifts from the city if the value exceeds \$100.

Question: Is the Medical Examiner's Office prohibited from accepting the donation of furniture from a local business who is not a vendor, lobbyist, or a principal or employer of a lobbyist who lobbies the county? **RQO 20-008**

Answer: Because the furniture is not being donated in exchange for any quid pro quo or special consideration, and the donor is not a vendor, lobbyist, or principal or employer of a lobbyist who lobbies the county, the employees are not prohibited from accepting a donation of furniture from the local business, even if the value of the furniture exceeds \$100. Additionally, as long as the Medical Examiner's Office administration determines that the use of the furniture would be for a public purpose because it would be used in conducting official county business, the donation of the office furniture would not be considered an individual gift to employees who receive it, and they would not have to report it on a gift form.

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: What restrictions would the code place on a prospective county employee’s outside employment if she accepts a position with the county? **RQO 20-003**

Answer: The code prohibits her from entering into any contracts with any entity where she would be providing services to the county or where the county would pay for her services through her contract with the entity. The code’s prohibition on contractual relationships also applies to any ongoing contracts she entered into prior to her employment with the county.

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). Several exceptions may apply.

Question: Is a city councilperson, who in his private capacity works as a certified process server and has contracts with private investigation firms, prohibited from serving subpoenas when those subpoenas are related to a lawsuit in which the city is a party?
RQO 20-006

Answer: The councilperson would be prohibited from serving the subpoenas on behalf of the law firm representing the city when the subpoenas are related to a lawsuit in which the city is a party. Although the private investigation firm hires the process server, it is the city that would be paying for the process server’s services through its contract with the law firm that hires the investigations firm. If the councilperson were to serve the subpoenas related to the lawsuit involving the city, a prohibited indirect contract with the city would be created because the city would be ultimately paying for the councilperson’s services.

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 by a person under the Commission's jurisdiction. The allegations must be **based substantially upon personal knowledge of the person filing the complaint**, and the complaint must be **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

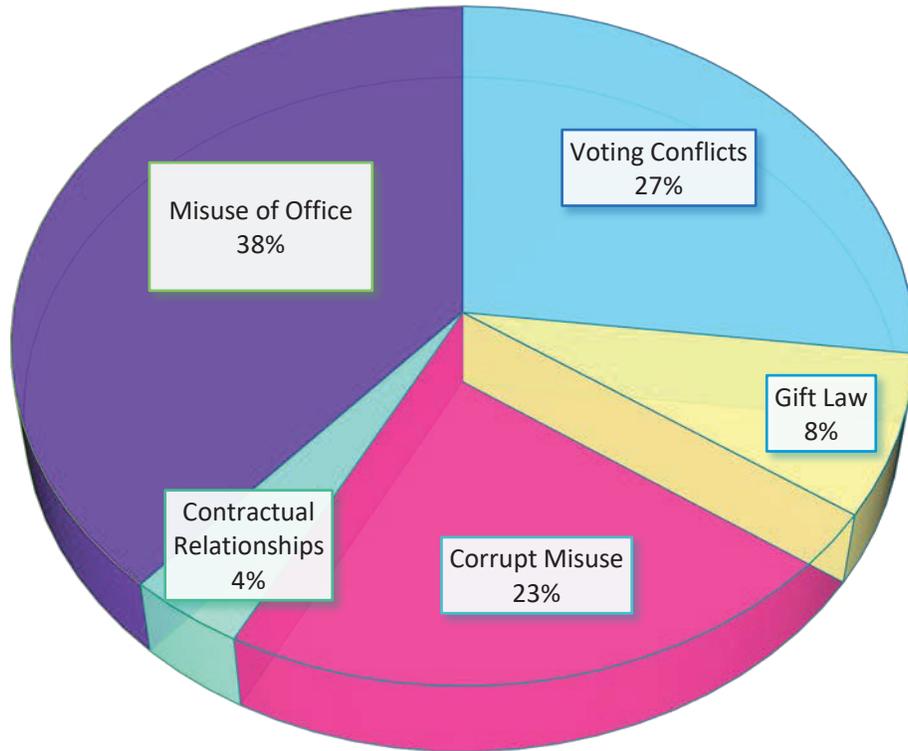
JANUARY 1, 2020 THROUGH DECEMBER 31, 2020

In 2020, there were four filed complaints, consisting of one self-initiated complaint and three sworn complaints from individuals. Of those complaints, two are still pending, one was administratively dismissed, and one had a letter of instruction issued by the commission. In addition, the commission heard six complaints that were initially filed in 2019. Four of those complaints were found to have probable cause, one complaint was closed with a letter of instruction and no probable cause finding, and one complaint was closed with a finding of no probable cause. Of the four complaints where probable cause was found, one has been set for a final hearing in 2021, two were closed with letters of instruction issued, and one was closed with a letter of instruction and restitution ordered. One self-initiated complaint from 2018 where the commission found probable cause is still pending and set for a final hearing before a hearing officer in 2021.

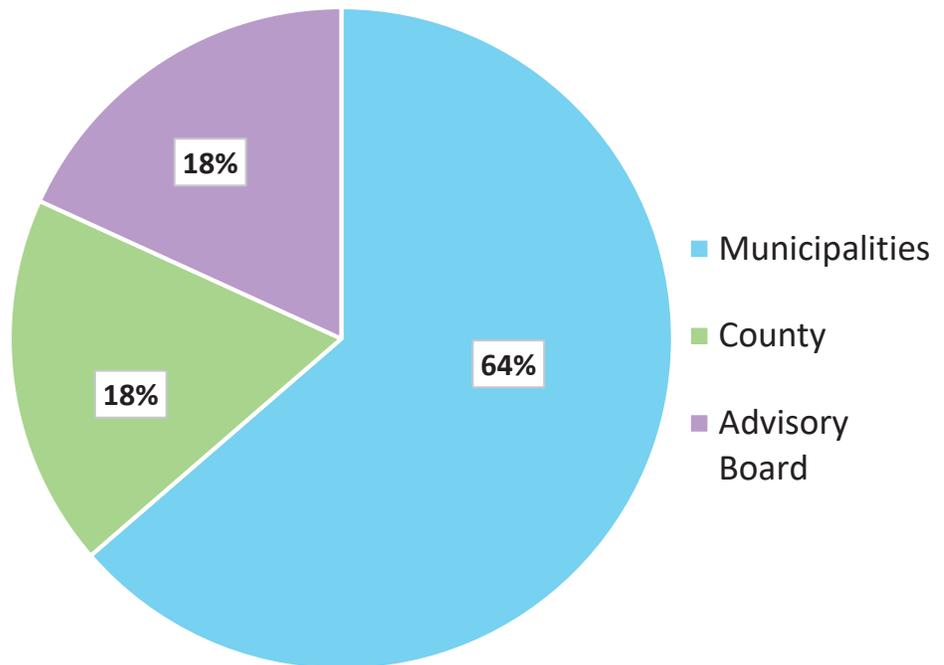
In addition, staff opened inquiries into eight matters based upon information received other than by formal complaint. Of the inquiries opened in 2020, five were found not to be legally sufficient to file a formal complaint and three are ongoing. Staff also closed four inquiries pending from 2019 due to no legal sufficiency to file a formal complaint, and two are ongoing.

In 2020, COE staff fielded approximately 775 calls requesting assistance from the COE, of which approximately 175 calls were referred to another agency and one call resulted in an inquiry or investigation. Staff responded to approximately 80 emails requesting assistance from the COE, of which approximately 45 were sent prior advisory opinions or sections of the Code as assistance.

COMPLAINT & INQUIRY SUBJECT MATTER



2020 Complaints & Inquiries by Entity



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 2020, the budget came out of the county’s general fund account.

By continuing our careful stewardship in regards to staff, operational, and procurement costs, the COE has come in under budget for the tenth consecutive year. The commission’s operating budget was \$717,573 for fiscal year 2020. The commission expended \$702,403.92 of those funds. Detailed budget information is available from the Palm Beach County Office of Financial Management and Budget at www.pbcgov.org/ofmb.

2021 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