

EXECUTIVE SUMMARY

To: Alan S. Johnson, Executive Director
From: Mark E. Bannon, Investigator
Date: September 26, 2011
Re: C11-017 – Conrad Saddler
C11-018 – Debbie Crow

- **Background**

This matter came to the attention of the Commission on Ethics' staff through information provided by an anonymous telephone complaint. The Complainant advised that certain employees within the Palm Beach County Pre-Trial Services Department (PTS) were scheduled to take an examination given by the National Association of Pretrial Services Agencies (NAPSA) on one of three (3) dates, June 21, 23 and 25, 2011. Passing this examination would lead to a "certification" of the employee in the field of Pretrial Services. This test was paid for by the County, at a cost of \$110 per employee for each of the seventeen (17) employees who sat for the examination, for a total cost of \$1,870. According to the allegations, an employee who took the test on June 21, printed and distributed copies to other employees scheduled to take the test on June 23 and 25 thus giving them an unfair advantage over the earlier test takers.

- **Investigation**

The investigation included interviews with sixteen (16) of the PTS employees who sat for the test. One employee was not interviewed as she had no relevant information. Statements were taken under oath and were recorded. Documentary evidence was also reviewed during this investigation, including a copy of the printed test actually taken and distributed to other employees by Conrad Saddler. Saddler was the person assigned at PTS to coordinate the test, and to collect and distribute all authorized study materials. This examination was paid for by the county at a cost of \$110 per employee, a total cost of \$1,870. The successful completion of this examination would lead to the employee being awarded NAPSA Certification as a Pretrial Services Professional. NAPSA had given each test taker instructions that although the test was an "open book" examination (study materials had been provided through the NAPSA website), they were prohibited from receiving assistance from anyone in taking the computer based examination. At the conclusion of the examination, each test taker certified that they had not received such assistance. NAPSA provided over 1000 pages of study materials, however, there were no practice tests or copies of old examinations provided as reference material by NAPSA.

The investigation revealed that employee Conrad Saddler took the certification examination on Tuesday, June 21, 2011. While taking this test, Saddler printed out copies of his test, and attached information that he believed constituted correct answers to the test. He then distributed copies of this document to the PTS Director, his supervisor, and several employees, with the knowledge that these PTS employees were scheduled to take the certification examination on a future date and knowing that this information gave an unfair advantage to employees who had not yet taken the examination.

The investigation further revealed that upon receiving a faxed copy of these materials from Conrad Saddler, Supervisor Debbie Crow, who admitted she was aware that the document was a copy of a completed test, made additional copies of this information and distributed them to several of her subordinates at the Main Courthouse location. She then used this material with these employees in a study session for the certification examination, knowing that each had not yet taken the examination, and that this information gave them an unfair advantage over employees who had taken the test on June 21st. No employees that took the later examination admitted to actually using this document during the examination, although several admitted to reviewing it prior to the certification test.

- Conclusion

Staff believes there is sufficient evidence to find that Conrad Saddler violated Section 2-443(b), *Corrupt Misuse of official position*, of the Palm Beach County Code of Ethics, by distributing copies of his completed test to other employees who were scheduled to take this examination. Evidence shows that he was aware this material was not available to all test takers and that it was not part of the study materials provided by NAPSA for this examination. In doing so, Respondent conveyed a benefit to other PTS employees. Taking the exam was mandatory for all PTS employees other than support staff. Each employee taking this examination was to earn a NAPSA certification as a pretrial service professional. Such a designation conveys a presumption of competence in the field of pretrial services. Lastly, the County had paid for each employee to sit for this examination.

Further, staff believes that there is sufficient evidence to find that Debbie Crow violated Section 2-443(b), *Corrupt Misuse of official position*, by distributing material that she believed was a copy of a completed NAPSA certification examination to her subordinates who had not yet taken the test, knowing that this material was not available to all test takers and that it was not part of the study materials provided by NAPSA for this examination. She was aware that the purpose of the each employee taking this examination was to earn the NAPSA certification as a pretrial services professional, and that the County had paid for each employee to sit for this examination.

While other PTS employees had access to this material, and some admitted to reviewing the information prior to testing, staff believes that there is insufficient evidence to conclude that they violated the code of ethics. First, access to this information was given directly from either the exam coordinator (Respondent Saddler) or a supervisor (Respondent Crow) and therefore had the appearance of authority. Notwithstanding, several employees refused to use this material. While there is evidence that the exam was used as a study guide, there is no evidence that the exam was used by any PTS employee during the actual test taking. Further, while the PTS Director and his supervisory staff were aware of the distribution of these materials, their failure to act in a timely manner to ensure the integrity of the testing process does not rise to a violation of the Code of Ethics.

NAPSA has voided the test results for Conrad Saddler, as well as all PTS employees who took the examination after June 21, 2011. Each must retake this examination in January 2012 if they wish to pursue the NAPSA certification.



Mark E. Bannon, Investigator
PB County Commission on Ethics


Date



PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

Hotline: 877-766-5920 or 561-233-0724

COMPLAINT FORM

1. Complainant (Person bringing Complaint) *Add pages, if necessary.*

Name: Alan S. Johnson, Executive Director - Commission on Ethics

Address: 2633 Vista Parkway

City: West Palm Beach Zip: 33411

Home #: _____ Work #: 561-233-0725 Cell #: _____

2. Respondent (Person against whom complaint is made) *Add pages, if necessary.*

Name: Debbie Crow, Palm Beach County Justice Services & Victim Services

Address: 205 North Dixie Highway

City: West Palm Beach Zip: 33401

Home #: _____ Work #: 561-355-6308 Cell #: _____

Title/Office Held or Sought: Pretrial Counselor II

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

- Allegation is against person in County Government
- Allegation is about County: Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

Signature of Person Making Complaint

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me this 26TH day of AUGUST, 2011, by

ALAN S. JOHNSON

(Name of Person Making Statement)

who is personally known to me or produced identification _____. Type of identification produced:

 (Signature of Notary Public, State of Florida)



(Print, Type, or Stamp Commissioned Name of Notary Public)



National Association of
Pretrial Services
Agencies

May 27, 2011

To: Spring 2011 Certification Applicants
RE: Certification Test Information

Hello Folks,

I wanted to tell you a bit about the upcoming Certification Test.

> In order to be eligible to take the test, it is necessary to have all your documentation submitted and fee (or Purchase Order) submitted. If you have not already done so please print out pages 7,8,& 9 of the Overview (located at www.napsa.org and submit the completed forms signed by you and your supervisor along with your resume, table of organization and check for payment to: NAPSA CERTIFICATION PROGRAM, c/o CJA, 52 Duane St., New York, NY 10007. Only NAPSA members are eligible for the "Members" or "Discounted" rate. (PAYPAL PAYMENT OPTION IS NOT AVAILABLE AT THIS TIME, BUT YOU MAY SUBMIT A PURCHASE ORDER.) Please note: You may have printed these forms previously and sent them. If you did not print them, you should do it now. This is only a reminder.

> A day or two before the test date you indicated on your application, eligible applicants will be sent via email a password to use on the NAPSA website (www.napsa.org) to access the test on the day that you specified on your application. The password can only be used on that day. Once the password is issued, it will not be issued again. **Test dates are June 21, 23, or 25.** If you change your email address prior to the password being sent, notify us immediately.

> The test must be taken uninterrupted within a three-hour window. You will be asked to verify that this was done at the end of the test. (If there was an interruption during the test, you are automatically eligible to retake the test at no cost the next time the test is given--usually the next spring or fall, whichever is closest.)

> **The test is an open-book test.** This means that you may refer to the study materials, or any other materials, while taking the test. **You may not receive help from someone else.** This does not mean that you enter the test "cold." You should familiarize yourself with the materials by reading them, and know the various sections of the larger references so you both know the areas covered and where topics can be found in the text. For example, the pretrial-release standard involving Confidentiality is found in section III of the NAPSA Pretrial Release Standards. This type of preparation will save you time and eliminate confusion and frustration during the test.

> Knowledge of various Laws, amendments, definitions, and court cases in the study materials are self evident, meaning that you should be familiar with their general content. Knowledge of Standards is more

complicated. For Level-One Certification, you are not expected to know the standards by memory, but the test will quiz you on what general topics are covered by standards and where certain key elements are found as well as distinctions between the NAPSA Standards and ABA standards. The largest document is the NIJ document regarding pretrial responsibilities and pages 1 through 20 are the most important.

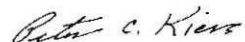
> The format of the test will be true/false; multiple choice; fill-in the blanks; and two essays. The total number of points will be 105 with a passing grade of 85 required. A grade of 95 earns an honor credential.

> Corrected tests will not be returned to the applicants. Anyone who does not pass the test may ask for a review of questions that were not answered correctly. Any grievance pertaining to the test or a particular question will be handled by the Certification Review Board consisting of three panel members headed by Judge Bruce Beaudin. Their decision on matters brought before them is final.

Please remember that it is your responsibility to ensure that all materials have been received. The last date any fees or documents are accepted is June 18th. Any incomplete applications packages will be held for the January test.

If you have any questions, please contact me by phone or email.

Thanks, and good luck!



Peter Kiers
NAPSA President
& Education Chair
pkiers@nycja.org
646-213-2508

Questions/factors to take into consideration:

- Overall image of the program will be irreparably damaged
- Innocents could be caught up in the ensuing scandal and their reputation tainted and forever called into question if any kind of reprimand takes place
- Perhaps this is a wink/wink, nudge/nudge situation where cheating is not as scandalous as it seems but an accepted practice though not overtly
- What is the bigger picture and how can those who didn't cheat be protected
- Perhaps best to wait until the test is scored and see what the results are before moving forward
- Retaliation is very real given the upper level employees involved

On Tuesday 6/21/11, an all day study session was held in the conference room of the Elder Justice Center, Room #2.2100 starting around 0930, breaking for lunch from 1200-1300, resuming at 1300, and ending around 1600. Present at the study group for the morning and afternoon sessions were Deborah Crow (Counselor II, Supervisor), Latronda Hayes (Counselor I), Darlene Brown (Counselor I), Charles Trotta (Manager), and I, Alma Lewis (Counselor I, Lead Worker). Staff from Gun Club and Belle Glade was taking the test on that day as the test was scheduled to be taken over three different days (6/21, 6/23, & 6/25). The session was fruitful and informative, and helpful for the open book test that this particular group (with the exception of Charles Trotta) was scheduled to take on 6/23.

On Wednesday 6/22, I was working at the North County courthouse where I am regularly scheduled to work. Another study session was scheduled for me to participate telephonically. In the morning around 0830, I received a phone call from supervisor Deborah Crow stating that she had something "very confidential" to fax to me. That phrase was repeated denoting the importance of the document's confidentiality. When I receive faxes, they appear face down. When I received the fax, turned it over, and realized what it was, I immediately turned it back over. I caught a glimpse of one question. When the fax was complete, I at first decided to use it as scrap paper. I spoke to my family letting them know what was happening and they recommended I should get rid of it. I was in agreement with that because I didn't want to have any trace of the test on or near my person. It would be a lot more difficult to prove that I did not use the test if I still had it lying around. I never turned the pages back over instead keeping it face down and then tearing it up.

Shortly after speaking with my family (or maybe it was before, I don't exactly recall), I received another call from supervisor Deborah Crow. I was on speaker phone and in attendance were Latronda Hayes and Darlene Brown. Deborah asked me if I received the fax and I told her that I did and didn't even look at it. She said, "That's your choice." She also mentioned something about my ethics not allowing me to look at the test and that the test probably wasn't even the same. I just said "yeah", not in agreement with her but wanting to move on.

I continued studying telephonically, specifically talking to Latronda Hayes; not sure if Deborah Crow and Darlene Brown were still in the room or if they had stepped away. Several times I had to put them on hold due to having to see clients for community service and SOR. After a long break because I was

assisting someone, supervisor Deborah Crow heard all my background noise from court and suggested that we continue (without me) until the afternoon when manager Charles Trotta would be present. I said "ok" and hung up letting them know that a good silent time for me would be around 2p. Later that afternoon, I thought better of it, figuring they would be studying directly from the test. I composed an e-mail at 1327 to Deborah Crow (attached). Figuring she would not be at her desk, especially since she had not responded right away, I printed a copy of the e-mail, called the Central office and spoke with clerical specialist Emilia Ramos, and asked her to hand deliver the copy of the e-mail I was about to fax to Deborah Crow. At 1559 on 6/22/11, I received a response from Deborah Crow (attached).

On the morning of the test the next day 6/23/11, I was called into Deborah Crow's office. She told me that someone had sabotaged the keyboards that were working perfectly fine on Tuesday 6/21 and presumably Wednesday 6/22. Asked why someone would do something that dumb, Deborah Crow responded to sabotage us. She mentioned she could think of four people in the office who would want to do this. She didn't directly mention the names of the four alleged saboteurs after I incredulously asked, "Four??!!" The name of Shana Bedard, supervisor in Belle Glade was casually mentioned by Deborah Crow as one of the alleged saboteurs even though she doesn't work in the downtown office and would not have had access to the keyboards because she came to the downtown office on Thursday 6/23 and not any day before that that week. Apparently, Shana had knowledge that the test was faxed to Debbie on Wednesday morning in the downtown office. Latronda Hayes supposedly vehemently denied this to Shana when questioned by Shana and Deborah Crow stated to me that no such thing happened introducing the name of Conrad Saddler who supposedly faxed the test initially. Shana apparently had knowledge of this. In hindsight, the whole keyboard sabotage was a ruse to stall for time to make it appear that the entire three hours were used for taking the test. Going along with the keyboard sabotage because I didn't know any better at the time, I replaced the keyboard at the computer I was using with my own keyboard. I took approximately three hours and five minutes to complete the test, a short time over the allotted time frame.

A sequence of events took place after everyone had taken the test. Some staff at the Gun Club office was incensed that cheating had taken place and opted not to participate in any type of cheating. Through hearsay, I was told that a meeting with the Director of Justice Services had taken place at the Gun Club office with the Gun Club staff and at the Central Courthouse for the downtown office employees on Friday 7/1/11. I had a scheduled afternoon off due to a doctor's appointment, so I was not present at any of these meetings. I was told about what was discussed at the Gun Club meeting but no one from management ever approached me about having a meeting about the cheating scandal until 7/13/11. On that day, I was called by supervisor Deborah Crow while I worked in the North County office. Darlene Brown was in attendance as well per Deborah Crow as Darlene was not available for the 7/1/11 meeting because she had a scheduled day off that day. Supervisor Deborah Crow called to inform me that the Ethics Commission became involved and that an investigator might be coming to talk to me. I didn't reveal to her that the investigator had already contacted me. She made comments like the Ethics Commission was created to investigate County commissioners who steal money and such and not for something like this. At first she stated that Charles Trotta told the director of Justice Services about the emerging cheating scandal who in turn told Vince Bonvento who then contacted the Ethics

Commission. Later in the conversation she stated the complaint was filed anonymously with the Ethics Commission. When I questioned the apparent contradiction, she stated she misspoke and reiterated that the complaint was filed anonymously.



Debbie Crow

INTEROFFICE COMMUNICATION

Human Resources

100 Australian Avenue, Suite 300
West Palm Beach, FL 33406
www.pbcgov.com

TO: All Employees
FROM: Wayne Condry, Director of Human Resources
DATE: March 1, 2010
RE: New Palm Beach County Code of Ethics for Employees

**Palm Beach County
Board of County
Commissioners**

- Burt Aaronson, Chair
- Karen T. Marcus, Vice Chair
- Jeff Koons
- Shelley Vana
- Steven L. Abrams
- Jess R. Santamaria
- Priscilla A. Taylor

Pursuant to Ordinance 2009-051 establishing an Inspector General, a Commission on Ethics and the Palm Beach County Code of Ethics, all Palm Beach County employees are required to review the new Palm Beach County Code of Ethics and sign an acknowledgement form. To assist you with this requirement, Human Resources has provided the following items:

1. Acknowledgement of Receipt form to be signed by each employee upon reviewing the Code
2. Hard copy of the Code

DVD (s) of the Code of Ethics will be provided to department directors as additional options for viewing.

There are six ways for you to review the new Palm Beach County Code of Ethics:

1. Watch the Palm Beach County Code of Ethics Training Program on the intranet at: <http://pbc/ethics/>
2. Watch the Palm Beach County Code of Ethics Training Program on the Internet at: <http://www.pbcgov.com/ethics/employee.htm>
3. Watch the Palm Beach County Code of Ethics Training Program on DVD. DVDs have been provided to department heads.
4. Read the Palm Beach County Code of Ethics document posted on the intranet at: <http://pbc/ethics/>
5. Read the Palm Beach County Code of Ethics document posted on the Internet at: <http://www.pbcgov.com/ethics/employee.htm>
6. Read the hard copy of the County Code of Ethics

County Administrator

Robert Weisman

All signed forms need to be turned in to your department's payroll representative prior to **April 23, 2010**. Should you have any questions regarding this information, please contact Davette La Bay in Training & Organizational Development at 561-616-6868 or email: dlabay@pbcgov.org.

Regards,

Wayne Condry
Wayne Condry
Director of Human Resources

"An Equal Opportunity
Affirmative Action Employer"



**ACKNOWLEDGEMENT OF RECEIPT
PALM BEACH COUNTY CODE OF ETHICS
A Guide for Employees**

Check those items that apply and put your initials after each item you checked

I acknowledge that I have reviewed the Palm Beach County Code of Ethics by

- Watch the Palm Beach County Code of Ethics Training Program on the intranet _____
- Watch the Palm Beach County Code of Ethics Training Program on the Internet _____
- Watch the Palm Beach County Code of Ethics Training Program on DVD _____
- Read the Palm Beach County Code of Ethics document posted on the intranet _____
- Read the Palm Beach County Code of Ethics document posted on the Internet _____
- Read the hard copy of the Palm Beach County Code of Ethics *DK*

I understand that I am responsible for understanding and abiding by the Palm Beach County Code of Ethics as I conduct my assigned duties during my term of employment with Palm Beach County. I also understand that the information in this policy is subject to change. Policy changes will be communicated to me by my supervisor or through official notices.

DEBORAH K. CROW

(Clearly Print Your Legal Name)

PBC PUBLIC SAFETY

(Clearly Print the Name of Your Department)

JUSTICE SERVICES

3/9/10

Deborah K. Crow

(Legal Signature)

(Date)

Employees: submit signed form to your Department Head
Department Heads: Submit signed forms with a list of employees who have NOT yet signed a form to Records, Human Resources by April 23, 2010

PALM BEACH COUNTY CODE OF ETHICS

A guide for employees

I. Misuse of Public Position

As public employees, you must carry out your duties fully, faithfully and ethically. Misusing your position for private benefit is a breach of the public trust. This law regulates the way you do your job.

Prohibited Conduct: You cannot use your position in any way when you know or should know with the exercise of reasonable care that it would result in FINANCIAL BENEFIT to:

- A. You
- B. A member of your household – this includes domestic partners and all dependents and any employer of these people.
- C. Your relatives – parents, children, siblings, grandparents, grandchildren, nieces, nephews, uncles, aunts, spouse, or any of their employers.
- D. An outside employer or a business of yours, your spouse or domestic partner, or someone who works for the outside employer or business. For the purposes of this law, it is your business if you or any combination of members of your household own at least 5 percent of the business' assets.
- E. Someone who owes you, or who you owe, at least \$10,000, NOT including a loan you might have with a financial institution.
- F. Civic, union, social, charitable or religious organization where you or spouse or domestic partner serve as an officer or director.

What does FINANCIAL BENEFIT mean for the purposes of this law?

Anything of value that can be obtained through the exercise of your job that is not shared with similarly situated members of the general public. Examples: Money, permit, contract, loan

to Palm Beach County and the Commission on Ethics prior to the purchase, rental, sale, leasing, or other business being transacted.

- (4) The total amount of the transactions in the aggregate between your outside employer or business and Palm Beach County does not exceed \$500 per calendar year.

III. Travel Expenses

As a Palm Beach County employee, you cannot accept payment or reimbursement of any travel expenses from any Palm Beach County government contractor, vendor, service provider, bidder or proposer.

A. Travel expenses include, but are not limited to, transportation, lodging, meals, registration fees and incidentals.

B. Travel expenses do not include travel expenses paid by other governmental entities or by organizations of which Palm Beach County is a member if the travel is related to that membership.

C. The Board of County Commissioners may waive the prohibition against accepting travel expenses by a majority vote.

IV. Honesty in Applications for Positions

No person applying for an employment position in Palm Beach County government may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by Palm Beach County.

B. A **gift** means anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, or goods that you do not pay for. Food and beverages consumed at a single setting or a meal are considered a single gift.

C. A gift does NOT mean:

- (1) Political contributions specifically authorized by state law;
- (2) Gifts from relatives or members of one's household;
- (3) Awards for professional or civil achievement;
- (4) Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- (5) Gifts solicited by Palm Beach County employees on behalf of Palm Beach County government in performance of their official duties for use solely by Palm Beach County government in conducting official business.

VIII. Noninterference with Commission on Ethics and Inspector General

A. Palm Beach County employees shall not retaliate against, punish, threaten, harass, or penalize anyone for communicating, cooperating with, or assisting the Commission on Ethics or the Inspector General.

B. Palm Beach County employees shall not interfere with, obstruct or attempt to interfere with or obstruct any investigation conducted by the Commission on Ethics or the Inspector General.

IX. Palm Beach County Commission on Ethics

A. The Commission on Ethics is an independent body that will interpret the Code of Ethics, provide advisory opinions to all Palm Beach County employees upon request, and provide ongoing training programs for all Palm Beach County employees.

B. The Commission on Ethics will hear cases involving violations of the Code of Ethics.

(1) A violation of the Code of Ethics subjects an employee to removal, public reprimand, and a fine of up to \$500. The Commission on Ethics may also order an employee to pay restitution when the employee or a third party has received a monetary benefit as a result of the employee's violation. In addition, contracts, permits, or any other government approvals gained as a result of a violation may be rescinded or declared void by the Board of County Commissioners.

(2) The Commission on Ethics may refer certain violations of the Code of Ethics to the State Attorney to be prosecuted as a second degree misdemeanor. Violation of a second degree misdemeanor will subject you to a fine not to exceed \$500, imprisonment not to exceed 60 days, or both. Provisions that may subject you to prosecution:

- (a) Misuse of public position
- (b) Entering into prohibited contractual relationships
- (c) Prohibition on accepting payment for travel expenses
- (d) Using false information in employment applications
- (e) Accepting gifts that are prohibited by the Code of Ethics
- (f) Interfering with investigations of the Commission on Ethics or the Inspector General

X. Summation

This guide is intended only as a summary of provisions contained in the Palm Beach County Code of Ethics that would apply to a majority of Palm Beach County employees a majority of the time. The complete Code of Ethics is available online at: http://www.pbcgov.com/ethics/pdf/Ethics_Code.pdf or ask your department head.

V. Disclosure or Use of Certain Information

As a Palm Beach County employee, you cannot disclose or use information gained through your job, but not available to members of the general public, for personal gain or benefit or for the personal gain or benefit of others.

VI. Gift Law Prohibitions

A. You cannot ask for or accept a gift worth more than \$100 if you know the gift is coming from a lobbyist or the lobbyist's employer. Lobbyists are required to register with Palm Beach County and to identify their employers. You can access this information at:

http://www.pbcgov.org/plrapplication/asp/PLRSearchPublicView_New.aspx

B. You cannot accept a gift of any value given to you in exchange for the way you perform your duties as a public employee.

VII. Gift Law Reporting

A. Employees who receive any gift worth more than \$100 must file an annual gift disclosure report with the Palm Beach County Commission on Ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. If you do not receive a gift worth more than \$100 during a given reporting period, you do not have to file an annual gift disclosure report.

(1) Information required in the gift report:

- (a) date received
- (b) description of gift
- (c) value of gift
- (d) name and address of person giving the gift

II. Prohibited Contractual Relationships

Section one regulates the way you do your job as a public employee. This section prohibits certain contractual relationships you might have in your private capacity that would conflict with your public duties.

A. You cannot enter into any contract or other transaction to provide goods or services with Palm Beach County. This prohibition includes any contract between Palm Beach County and you, your employer, or any business you own (minimum 5 percent of the business' assets).

B. It does not include your employment contract with Palm Beach County.

C. Exceptions:

(1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder, and

(a) You or a member of your household has not participated in the determination of the bid specifications or the determination of the lowest bidder;

(b) You or a member of your household has not used or attempted to use your influence to persuade the agency or any personnel thereof to enter into such a contract other than by the mere submission of the bid;

(c) Prior to or at the time of the submission of the bid, you file a statement with the Supervisor of Elections and the Commission on Ethics disclosing the nature of your interest in the bid submitted.

(2) An emergency purchase or contract which would otherwise violate this provision must be made in order to protect the health, safety, or welfare of the citizens of Palm Beach County;

(3) Your outside employer or business involved is the only source of supply and you fully disclose your interest in the outside employer or business

~~Mark Bannan~~

From: Yvonne Reece [YReece@nycja.org]
Sent: Thursday, June 23, 2011 12:34 PM
To: ruthgerena@aol.com; juan.martinez@bexar.org; evanska@co.larimer.co.us; heigeria@co.larimer.co.us; f.brown227@gmail.com; Suhaydiaz@gmail.com; ashleypunny@hotmail.com; TFRANKSN367@msn.com; Andrew COX; Kim Moment; Naomi Dickerson; Charles Trotta; Emanuel Fornah; Geneva Feacher; Rosemarie Asia; Rene Duvert; tori.cooper@shelbycountyttn.gov
Subject: CERTIFICATION TEST INFORMATION - Saturday June 25, 2011

Dear Certificate Applicant,

You have been schedule to take the up coming Certification Test on Sat. June 25. Below is your USER ID and Password which is case sensitive. You may take the test anytime between 7am and 11pm. You will have up to 3 hours to complete the test. Please check the box at the end of the test to indicate that you have not received help from another person.

Good Luck

User ID: pretrialcert
Password:

Peter C. Kiers
NAPSA President

Mark Bannan

From: Yvonne Reece [YReece@nycja.org]
Sent: Tuesday, June 21, 2011 11:45 AM
To: egarza@bexar.org; lduque@bexar.org; leticia@bexar.org; ray.gonzales@bexar.org; rdelossantos@bexar.org; rtejada@bexar.org; romeroai@larimer.org; sschumann@larimer.org; stephanie.brown@mainepretial.org; hadleyj@oakgov.com; Alma Lewis; Debbie Crow; Darlene Brown; ihayes@pbcgov.org; Nika Paul; Natalya2001@yahoo.com
Subject: CERTIFICATION TEST INFORMATION - Thursday June 23, 2011

Dear Certificate Applicant,

You have been schedule to take the up coming Certification Test on **Thur. June 23**. Below is your USER ID and Password which is case sensitive. You may take the test anytime between 7am and 11pm. You will have up to 3 hours to complete the test. Please check the box at the end of the test to indicate that you have not received help from another person.

Good Luck

User ID: pretrialcert
Password: [REDACTED]

Peter C. Kiers
NAPSA President

~~Sandra Ortiz~~

From: Yvonne Reece [YReece@nycja.org]
Sent: Friday, June 17, 2011 12:48 PM
To: rosadaniel124@aol.com; mike.lozito@bexar.org; prodriguez@bexar.org; hana.smith@fauquiercounty.gov; pkiers@nycja.org; Conrad Saddler; Jeffery Ivory; Linda Ocon; mramirez@pbcgov.org; Precious Gaiter; Shana Bedard; Shamekia Camel; Sandra Ortiz; kslattery@wiscs.org
Subject: CERTIFICATION TEST INFORMATION

Dear Certificate Applicant,

You have been schedule to take the up coming Certification Test on Tues, June 21. Below is your USER ID and Password which is case sensitive. You may take the test anytime between 7am and 11pm. You will have up to 3 hours to complete the test. Please check the box at the end of the test to indicate that you have not received help from another person. Good Luck.

User ID: pretrialcert
Password: [REDACTED]

Peter C. Kiers
NAPSA President

Director
(877-855-7438)



National Association of
Pretrial Services
Agencies

August 23, 2011

Conrad Saddler
Palm Beach Co. Pretrial Services
3228 Gun Club Rd. (Suite 108)
West Palm Beach, FL 33406

Dear Mr. Saddler:

I am writing to inform you that the Certification Committee will not grant you NAPSA Certification at this time. The reports that we got from administration at your program and the investigation by the Commission of Ethics in Palm Beach have led us to concur that your actions in distributing the instant test during the testing period compromised the integrity of the test in your jurisdiction. Consequently, your fellow staff taking the test on Thursday, June 23rd and Saturday, June 25th, had their tests nullified because they received prohibited help from you.

The test is an open-book test, but persons taking the test must verify that they received no help from another person in taking the test. Since you also took the test, you had to check the box indicating that you knew the prohibition on helping others. Your enthusiasm in attempting to help your fellow workers gave way to poor judgment on your part and resulted in their disqualification.

You will be able to take the test in January. In doing so, you will be asked to sign an affidavit that you understand that you personally cannot give or receive any help with respect to the certification test.

Sincerely,

Peter C. Kiers
NAPSA President

cc: Charles Trotta
Mark Bannon

PALM BEACH COUNTY COMMISSION ON ETHICS

MEMORANDUM OF LEGAL SUFFICIENCY

To: Commission on Ethics
From: Alan Johnson, Executive Director
Date: August 26, 2011
Re: Complaint No. C11-018, Debbie Crow

- **Recommendation**

Regarding Respondent, Debbie Crow, Pretrial Counselor II, Palm Beach County Pretrial Services, the Staff recommends a finding of LEGALLY SUFFICIENT be entered in complaint number C11-018.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

- **Background**

This matter came to the attention of the Commission on Ethics' staff through information provided in an anonymous telephone complaint. The information was not based on first-hand knowledge. The Complainant advised only that certain employees within the Palm Beach County Pre-Trial Services Department (PTS) were scheduled to take an examination given by Association of Pretrial Services Agencies (NAPSA) on one of three dates, June 21, 23 and 25, 2011. Passing this examination would lead to a "certification" of the employee in the field of Pretrial Services.

The information received from the anonymous source stated that the test was given to employees on one of the three dates listed, and that a copy of a completed test taken on June 21st by employee Conrad Saddler, had been copied and distributed to other employees that were scheduled to take the test on June 23rd and June 25th, giving those test takers an unfair advantage over those scheduled to take the test on June 23rd or 25th. The Complainant also alleged that the copy of the completed test may have been given to employees by supervisors, including Respondent Debbie Crow.

- **Initial Inquiry**

Based upon the anonymous information, an initial inquiry was undertaken pursuant to Commission on Ethics Rule of Procedure 4.1.2. Documentation was obtained from the National Association of Pretrial Services Agency (NAPSA), PTS as well as copies of the test in question. In determining whether or not there is sufficient information based upon facts which *have been sworn to as true by a material witness or witnesses* to support a finding of legal sufficiency, staff investigator Mark Bannon interviewed witnesses with knowledge and obtained relevant documents. The information obtained, if true, would constitute the offenses alleged and provide a sufficient basis to institute a complaint in good faith.

- **Analysis**

Pursuant to Chapter 2, Article V, Division 8, §2-258(a), the jurisdiction of the commission on ethics extends to the county code of ethics, county post-employment and lobbyist registration ordinances. Violations of § 2-443(b) of the Code of Ethics (Prohibited Conduct, Corrupt misuse of official position) are within the jurisdiction of the Palm Beach County Commission on Ethics. The Commission on Ethics also has personal jurisdiction over Conrad Saddler as an employee of Palm Beach County.

Applying the available documents to the code of ethics, we review the facts to determine whether reliable information points to actions that may violate the Palm Beach County Code of Ethics:

Sec. 2-443(a). *Corrupt misuse of official position*, states as follows:

(b) *Corrupt misuse of official position*. An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

The sworn testimony and documentation provided does on its face allege a violation of §2-443(b). The examination taken by Debbie Crow and other PTS employees was for the purpose of obtaining a national certification within the pretrial services community. By its very nature, a nationally recognized professional certification gives the holder a presumption of competence in their particular field, and is therefore a benefit to both the employee, and to the employing organization. Further, Debbie Crow, like all others taking the examination, had been advised by NAPSA that a test taker may not receive any help in taking this examination from any other person. If, as alleged, after receiving a copy of the completed test from Conrad Saddler, she intentionally copied his completed test and delivered it to other employees for their use in taking the examination at a future date, she may have violated §2-443(b) of the Code.

- **Conclusion**

Because sufficient information is provided by the submitted documents and interviews with PTS employees, reasonable inferences from those documents and interviews, if true, could support a violation of the code of ethics, complaint number C11-018 against Respondent, Debbie Crow, is LEGALLY SUFFICIENT. Therefore, an investigation into this matter should proceed.

By: 
Alan S. Johnson, Executive Director
Florida Bar # 223352
Commission on Ethics
2633 Vista Parkway
West Palm Beach, FL 33411
561-233-0720


DATE

MEMORANDUM OF INVESTIGATION

To: Alan Johnson, Executive Director
From: Mark E. Bannon, Investigator
Date: August 26, 2011
Re: C11-017 – Conrad Saddler, Palm Beach County Pre-Trial Services
C11-018 – Debbie Crow, Palm Beach County Pre-Trial Services

- **Background**

This matter came to the attention of the Commission on Ethics' staff through information provided by an anonymous telephone complaint. The Complainant advised only that certain employees within the Palm Beach County Pre-Trial Services Department (PTS) were scheduled to take an examination given by Association of Pretrial Services Agencies (NAPSA) on one of three dates, June 21, 23 and 25, 2011. Passing this examination would lead to a "certification" of the employee in the field of Pretrial Services.

The information received from the anonymous source stated that the test was given to employees on one of the three dates listed, and that a copy of a completed test taken on June 21st by employee Conrad Saddler, had been copied and distributed to other employees that were scheduled to take the test on June 23rd and June 25th, giving those test takers an unfair advantage over those who had taken the test on June 21st. The Complainant also alleged that a copy of the completed test may have been given to employees by supervisors.

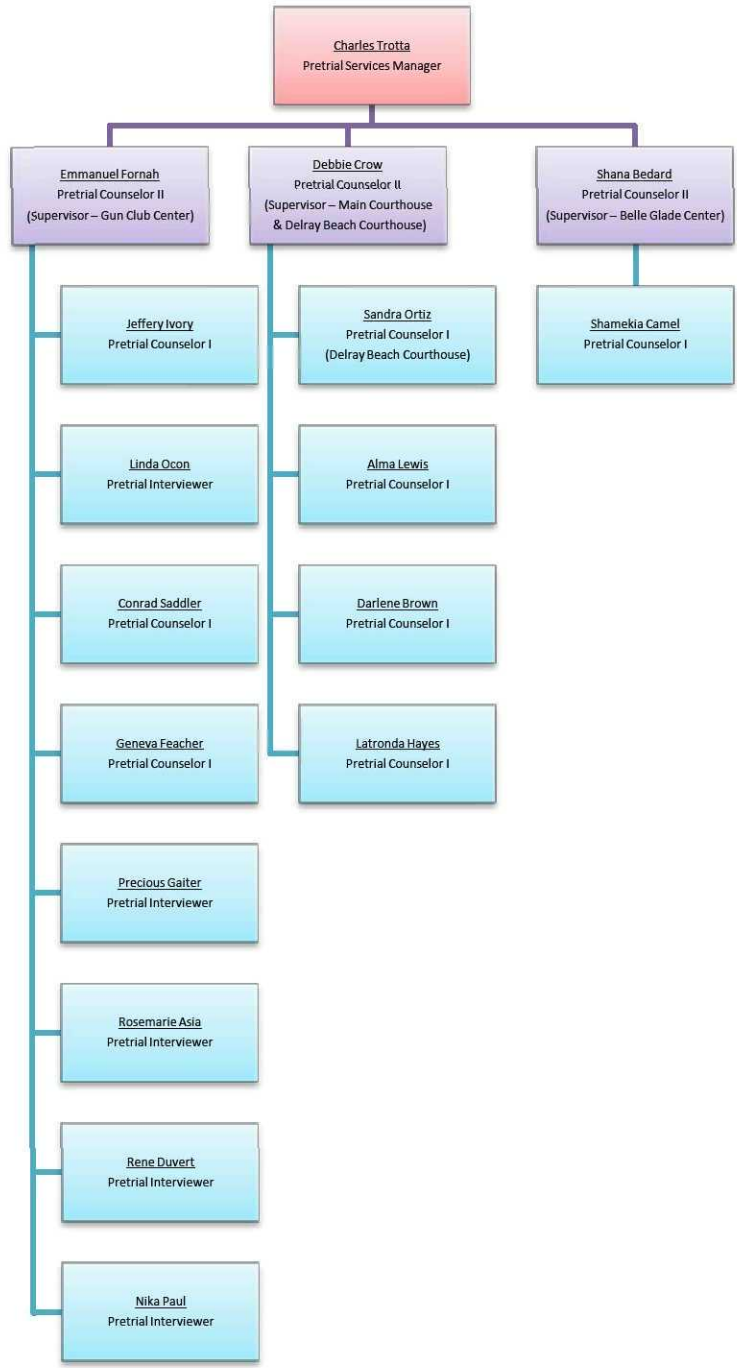
Because the information provided was that PTS had paid for the testing, and a professional certification would give the holder the benefit of a presumption of competence in the field, it was decided to begin an Inquiry to establish whether a violation of the PBC Code of Ethics had occurred involving this testing, and whether there was sufficient independent information available to establish such a violation outside of this anonymous complaint.

- **Initial Inquiry**

I began the inquiry by conducting some background on PTS, including the purpose of this PBC Department, as well as the supervisors and employees of PTS. The PTS website is found on the county website at www.pbcgov.com/publicsafety/justiceservices/pretrial.htm.

PTS is described within this website as providing verified information to judges at "first appearance" for persons arrested in Palm Beach County and booked into the county jail facility. This information is designed to assist a judge in determining bond amounts, as well as providing supervision to those arrestees given the option of a "supervised release" option in lieu of bond.

PTS is under the PBC Justice Services & Victim Services Division, managed by Nicole Bishop. The organizational breakdown of the PTS employees who sat for the certification examination is as follows:



Of the employees within PTS, only the seventeen (17) as listed in the above organizational chart took the certification test on one of the scheduled three (3) days of testing. Employees Mery Ramirez, Chelsea Cooke, Tina Figueroa and Laura Lehnerr did not sit for the examination. Mery Rameriz, who is a Pretrial Interviewer, did not sit for the exam due to taking another position within county employment, and leaving PTS. Chelsea Cook, Tina Figueroa and Laura Lehnerr do not hold positions within PTS that would involve certification. During my initial inquiry, I was able to establish from various independent sources that the certification test had been given on the dates listed (June 21, 23, and 25, 2011), and this information was verified by Charles Trotta, Manager of PTS.

- **Initial Interview – Charles Trotta and Nicole Bishop**

On July 12, 2011 at 10:00 AM, I spoke to Charles Trotta, Manager of Pretrial Services, at the COE office. Also present during this initial interview was his direct supervisor, Nicole Bishop, Director of PBC Justice Services & Victim Services. This interview was not recorded nor taken under oath, as it was an initial interview to make a determination of whether any of the anonymous information was valid, requiring further inquiry or investigation

Mr. Trotta and Ms. Bishop verified that PTS employees had taken the certification test for NAPSA, and that the cost of this testing was paid by PTS. The certification test was given in an online format, with three (3) different dates scheduled for testing. The NAPSA Certification is not required to be employed by PTS, as there are no required standards currently in place for the Pretrial Services industry. However, the opportunity to obtain the certification was offered to the employees for several reasons.

First, it allowed employees working in this field to obtain a professional certification that would be an asset to both the employee and PTS based on the fact that such certifications allow them to show that they are both professional and well trained members within the pretrial services field. Second, professional certification reflects well on PTS as an organization, since Florida through a partnership with the Florida Corrections Accreditation Commission (FCAC) and the Association of Pretrial Professionals of Florida (APPF) has begun accrediting similar programs in Florida, and certification is considered a step toward eventual accreditation of PTS.

Mr. Trotta explained that certification and accreditation of PTS was of particular importance since pretrial services nationally is constantly “under attack” from private bail bond concerns seeking to eliminate their services, as they tend to conflict with the private bail bond industry by offering an alternative approach of jail release. PTS administration felt that this certification, and future accreditation, would be a benefit to PTS and the employees, given these factors.

Employee Conrad Saddler was assigned by Mr. Trotta as the “coordinator” of this certification effort, and had direct dealings with the NAPSA organization to assist in obtaining all necessary study material, and to schedule personnel for the examination. It should be noted that Conrad Saddler is also the point person on this accreditation process for PTS. Conrad Saddler himself was scheduled for the test on the first day, Tuesday, June 21, 2011. He was also very involved with study group formation at the Gun Club location, and keeping the focus of employees on review of materials for the test. He took the test as scheduled, and printed out a copy of his test after completing it. He gave a copy to Trotta (who stated he really did not look at it at the time it was placed on his desk), gave a copy to his supervisor, Emmanuel Fornah at the Gun Club Center, and faxed a copy to Supervisor Debbie Crow at the main courthouse, and gave copies to several employees at the Gun Club center, who were scheduled to take the certification test on Thursday, June 23rd, or Saturday, June 25th, as a “study guide.”

Trotta stated that he did not realize that what he had received was a test copy until later. He stated that even then he assumed that there would be different “versions” of the test given at the later dates. He did not advise Nicole Bishop of the issue with the test material being given out until the weekend, because it was not until he personally took the test on Saturday, that it became clear to him that it was the same test provided by Saddler. He then called Ms. Bishop, who met with employees over the issue on Friday, July 8th to determine the extent of the problem and to decide what needed to be done. She also met with Conrad Saddler, and stated that she believed that Saddler did not mean to give a copy of the current test to employees in an effort to cheat, but was under the impression that the test he had taken was not the same version that would be given to the other two groups. On July 13, 2011, Mr. Trotta contacted NAPSA himself, and a decision was reached between those organizations to

have all employees that took the test on either Thursday, June 23rd or Saturday, June 25th retake the test when it was offered again in December, 2011 or January, 2012.

Finally, Ms. Bishop advised that no one was “required” to take the certification exam and that if they had chosen not to do so it would not have impacted their county employment. However, Mr. Trotta admitted that he did not ask if everyone wanted to take the test, but simply decided certification was a good idea and determined as Manager that eligible PTS employees as a whole would do so. Based on that idea, the test was essentially “required” for employees of PTS.

- **Conclusion of initial inquiry**

The initial inquiry had uncovered enough information to believe there was legal sufficiency to begin a formal investigation into this matter, based on the following factors:

1. Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.
2. All employees of PTS are also employees of Palm Beach County, and therefore fall under the jurisdiction of the Commission on Ethics (COE) and the Palm Beach Code of Ethics, during the time period of this incident, June 21-25, 2011, pursuant to §2-442, *Definitions*, of the Code of Ethics.
3. While the Complaint may have been anonymous, it provided sufficient information, verifiable through independent inquiry, to allow the COE Executive Director to assume the role of Complainant in this case and to file a sworn complaint based on the totality of the information and allow for a formal investigation into the allegations, based on §2-260(b) of the Palm Beach County Commission on Ethics Ordinance (Ord. No. 209-050 as amended by Ord. No. 2010-042).
4. The purpose of the employees taking the certification exam was to increase the professional standing of Palm Beach County PTS within the pretrial services community, as well as the professional standing of each employee through obtaining this professional certification. Professional certifications, by their nature, give the holder a presumption of competence within a particular profession, and therefore are a benefit to both employee and employer.
5. Based on the analysis stated above, this certification must be considered as a “benefit” to both the employee and PTS as an organization.
6. Because the certification is a benefit to each employee and to PTS as an organization, to obtain such a benefit or to assist others in obtaining such a benefit in the manner described, (providing inappropriate materials to employees taking the certification examination), may violate §2-443(b), *Corrupt misuse of official position*.
7. Therefore, the allegations, if true, may be a violation of the Palm Beach County Code of Ethics, by one of more members of the Pretrial Services staff, and a formal investigation into this matter is warranted.

- **Applicable Code Sections**

The following portions of the PBC Code of Ethics ordinance are relevant to the initial inquiry and the subsequent investigation:

Sec. 2-442, Definitions.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term “employee” includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county.

Sec. 2-443. Prohibited conduct.

(b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a *special privilege, benefit, or exemption for himself, herself, or others.* For the purposes of this subsection, “corruptly” means *done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.* (Emphasis added)

- **Investigation**

After my initial interview with Nicole Bishop and Charles Trotta, I determined that I needed to interview Conrad Saddler, since it was apparently his actions of copying and distributing his completed test that initiated this incident. Charles Trotter brought Conrad Saddler to the COE office for the interview this same afternoon, July 12, 2011. Mr. Trotta remained in the reception area, and was not present during this interview.

- **Interview: Conrad Saddler, PTS Counselor I**

On Tuesday, July 12, 2011 Conrad Saddler was interviewed by me at the COE office. The interview was recorded, and taken after placing Conrad Saddler under oath. No other persons were present during this interview. This interview was begun at approximately 1:29 PM, and lasted for just over an hour.

Mr. Saddler stated that he has been employed at PTS for approximately ten (10) years. When the decision was made to have all eligible employees take this certification test, he was appointed by Mr. Trotta as the “point person” after they failed to meet a deadline to take this certification examination in December, 2010.

Included among his “responsibilities” as point person was gathering and distributing all materials offered by NAPSA for the purposes of studying for the test, acting as the liaison to NAPSA for the test, and helping to focus the employees on studying for this test. He gathered and distributed all study materials to each PTS location, Gun Club, Delray Beach, Belle Glade, and the Main Courthouse. Mr. Saddler apparently took this responsibility very seriously, as he would send emails reminding employees of both the test dates and study sessions, and would distribute outlines of the study material to employees when available. He also considered it his responsibility to help keep the motivation level up by placing “motivational notes” throughout the pretrial services office. It should be noted that this test was “open book” and study materials had been provided by NAPSA to assist in the employees’ preparation.

The purpose of this certification according to Saddler, is to make sure that each person working in the pretrial services community had the knowledge and ability to be proficient at their jobs. Saddler termed this as being “qualified” to do their jobs on a national basis, and not just a local basis. While this certification is not “necessary,” according to Saddler, he cited the competition of his organization with the private bail bonds industry, and the importance of showing they have the qualifications to supervise persons on pretrial release status.

We then discussed the test distribution incident, starting with June 21, 2011. Saddler took the test online from 3:00 PM until 6:00 PM. He made a copy of his test while taking it by printing out each page. When I asked him why, he said that the study materials were so broad, he thought the other employees would have a better chance to pass if he gave others an idea of what the test was like. He then stated, “Never in my wildest dreams did I believe that the same exam would be given on subsequent days.” He then told me that at the University of Florida where he obtained his criminal justice degree, it was “routine” for students to create a “study bank,” which often included research materials such as old examinations. When I stated that this test was given just a few days

earlier, he advised that this was a national test, and he believed that each day a different test version would be used. He also pointed out that the test was "open book," and he was only attempting to help people to focus the very broad material given to study from into a more useable resource. He further pointed out that everyone involved had studied very hard and knew the material. The answers to the essay portion of his exam were not printed out, although his answers to the seventy-three (73) multiple choice, true-false, and fill-in-the-blank questions were included (although he was not aware if they were correct). Saddler advised that since he did not believe the same test would be given all three (3) days, his key purpose was to allow employees to look at the format of the questions to assist them as a study guide. But, he admitted he never asked NAPSA if any old tests were available. It should be noted that Saddler was aware that no prior tests were included in the NAPSA study guide materials.

I next discussed the fact that although ten (10) employees took the test on Thursday, June 23rd or Saturday, June 25th, the seven (7) employees (including Mr. Saddler) who took the test on Tuesday, June 21st, did not have access to this material, and were put at a disadvantage by his actions. Saddler stated that he never considered that he would be putting anyone at a disadvantage, and signed up for the first day specifically so that he could perhaps help his co-workers by doing so. He became visibly upset during the interview as we discussed that possibility, and even more so when he recounted a statement from a co-worker at the staff meeting with Ms. Bishop several weeks later when the co-worker advised that she felt she had been wronged by not being able to have the same information as everyone else for the test.

Mr. Saddler was not aware whether anyone had taken the "example test" he provided them into the room when they took the test on Thursday or Saturday.

On June 22nd 2011, the day after Saddler took the test, he gave copies to PTS supervisors and managers (Charles Trotta, Emmanuel Fornah) and three (3) of the Pretrial Interviewers (Rosemarie Asia, Geneva Fleacher and Rene Duvert) at the Gun Club Center, who were scheduled to take the test on Saturday. He faxed the test to Supervisor Debbie Crow at the Main Courthouse, stating that he told her it was a "study guide" to help with the test.

The interview was concluded at 2:34 PM.

The same day, July 12, 2011, after concluding my interview with Conrad Saddler, I received two (2) emails from Charles Trotta. Both were emails sent to him by Conrad Saddler in reference to the test. The first was dated January 2, 2011, and was sent to all PTS employees scheduled to take the certification test. The email simply stated the new time frame for testing (since they had missed the December 2010 dates), and discussed the importance of reviewing all the materials provided by NAPSA, and forming study groups to help divide the material into sections for review and creating study guides. The second email was dated July 1, 2011, and was a narrative discussion of his reasons for providing a copy of the test to others, which followed the statement he had given to me in several major areas. He discussed the fact that at the University of Florida old exams were often used as study material, and that he did not realize that the same test would be used for all three days of testing. He further reiterated that every employee taking the test had spent hours studying for this exam, and that the exam was "open book." Finally he admitted it was "bad judgment" on his part not to make sure the test was not the same one given on the future dates before providing it to others, and apologized for this, as well as the fact that he may have unintentionally given an advantage to persons taking the test on the second or third day of testing.

Then I contacted Mr. Peter Kiers, President of NAPSA, who agreed to send me copies of all of the tests taken by PTS employees. My purpose in doing this was to review them for any apparent "patterns" of similarity to Conrad Saddler's test that might indicate they had been used as an "answer key" for the individual employee's examination.

I received an email containing the requested documents from NAPSA on July 19, 2011, along with a list of the dates each PTS employee was scheduled to take this certification examination. On July 13, 2011, I also received an additional email from Charles Trotta, with a copy of an email he had sent to PTS employees, stating that NAPSA

had agreed that all persons who took the test on either June 23rd or June 25th could re-take the exam when offered in "Winter 2011" at no additional charge. I assigned COE staff Research Assistant Ben Evens to compile the test information provided by NAPSA into a single document format to be better able to review the material and detect any discernable patterns in the answers given, when compared with the test provided to the employees by Conrad Saddler. There were no obvious signs of a particular pattern of answers that would show a clear indication of potential copying of answers.

On August 11, 2011, I contacted Charles Trotta and advised him that I would need to interview the employees that had taken the certification test to complete my investigation. He gave me the contact information for each supervisor, and requested that I coordinate my interviews through them.

The employee interviews were scheduled for the following dates and locations:

<u>Monday, August 15, 2011 - 9:30 AM</u> (Delray Beach Courthouse)	Sandra Ortiz, Pretrial Counselor I
<u>Tuesday, August 16, 2011 - 9:30 AM</u> (Main Courthouse – WPB)	Debbie Crow, Pretrial Counselor II (Supv.) Alma Lewis, Pretrial Counselor I (Lead Worker) Darlene Brown, Pretrial Counselor I Latrona Hayes, Pretrial Counselor I
<u>Wednesday, August 17, 2011 – 10:00 AM</u> (Gun Club Rd. Center – PBSO Mail Jail)	Genevea Feacher, Pretrial Counselor I Rene Duvert, Pretrial Interviewer Nika Paul, Pretrial Interviewer Jeffrey Ivory, Pretrial Counselor I
<u>Friday, August 19, 2011 – 10:00 AM</u> (Gun Club Rd. Center – PBSO Main Jail)	Emmanuel Fornah, Pretrial Counselor II (Supv.) Linda Ocon, Pretrial Counselor I Rosemarie Asia, Pretrial Interviewer Precious Gaiter, Pretrial Interviewer Shana Bedard, Pretrial counselor II (Belle Glade)

The following is a synopsis of the information gathered from the interviews with these witnesses:

- **Interview: Sandra Ortiz, Pretrial Counselor I (Delray Beach Center)**

On Monday, August 15, 2011, I interviewed PTS employee Sandra Ortiz at her office in the South County Courthouse Complex in Delray Beach. This interview began at 9:31 AM, was recorded and was taken under oath.

Ms. Ortiz is permanently assigned to the Delray Beach Courthouse location, and is the only person assigned to that location on a regular basis. She has been employed with PTS for about six (6) years. Ms. Ortiz has a Master of Science Degree in Management.

Ms. Ortiz took the NAPSA test on Tuesday, June 21, 2011 after completing her shift at 4:30 PM. She took the test in her office alone, and completed the test sometime in the evening. She states that she was never offered a copy of any additional study materials or "study guides," other than those supplied months earlier by Conrad Saddler, which he obtained from the NAPSA website. The test was taken online through the NAPSA site. She advised that over the months leading up to the test, there were many employees holding study groups for the test. She was usually unable to participate in these groups due to her location. However, she did work with some other employees in researching and outlining some of the material to make it more manageable.

She left for a long vacation weekend out-of-state on Thursday, June 23rd and returned home Sunday, June 26th. She did advise that she was close with another employee, Alma Lewis, who works at the Main Courthouse location.

Alma called her on Sunday, June 26th after she returned home very upset. Alma told her that while working in the Palm Beach Gardens location on Wednesday, June 22nd, her supervisor, Debbie Crow had faxed a copy of a completed NAPSA test to her as a “study guide.” Ms. Ortiz described Alma Lewis as being very upset, and that Alma told Ortiz that she refused to use the test and destroyed it. Alma also mentioned that Debbie Crow had made a comment to the effect that she understood if Alma’s ethics would not allow her to use the test. Ms. Ortiz told me that at the end of the test, each person had to “certify” that no one had assisted them with taking this test.

The interview was concluded at 9:49 AM.

- **Interview: Debbie Crow, Pretrial Counselor II, (Supervisor-Main Courthouse)**

On Tuesday, August 16, 2011 I went to the PTS office at the Main PBC Courthouse to interview several PTS employees at that location. I first interviewed Supervisor Debbie Crow. This interview began at 9:24 AM, was recorded and taken under oath.

Debbie Crow has been employed at PTS for nearly 17 years, and is the supervisor of the PTS employees assigned to both the main Courthouse and the South County Courthouse in Delray Beach. She also supervises Alma Lewis who works at the North County Courthouse in Palm Beach Gardens on Wednesday and the Main Courthouse the other work days.

Debbie Crow advised that a copy of the test was faxed to her at the Main Courthouse by Conrad Saddler on Wednesday, June 22, 2011. She had contacted Saddler to ask him some questions about the test he had taken the day before, such as the number of questions, and format, since Saddler was the person charged with providing material for the test. Saddler told her, “I’m going to fax you something.” When she received the documents faxed by Saddler, she does admit she thought it was a copy of the test he had just taken. She made copies of the test for each of her three (3) employees that were scheduled to take the exam. This was distributed at a study group they had organized for that day. The study group session was held in a conference room at the PTS office within the Main Courthouse, and was attended by Crow, Darlene Brown and Latronda Hayes from her office. Alma Lewis was at the Palm Beach Gardens site, and attended the session via telephone in between seeing clients. Lewis was faxed a copy of the document. Crow told her employees that she had “additional study materials, and if they had a problem with it they needed to let me know.” When I asked her why she suspected her employees may have a “problem” with the material, she stated, “Because I suspected it may be the test. I didn’t know it was going to be the same test.” Alma Lewis stated to her that she had looked at the material and threw it away. Ms. Crow then said they would just start off where they had left off the day before with the regular study material. Lewis then became busy with clients, and was unable to remain on the telephone. Ms. Crow asked the other two (2) again if they had a problem with the new material, to which they replied “no.” She also advised that in many certification exams, such as the CPA exam she sat for many years ago, they had books that could be purchased with old exams to study from. She stated that she did not take a copy of this exam with her into the testing room when she sat for the exam.

In discussing the “benefit” to obtaining certification for PTS employees, Ms. Crow did discuss the benefits described by Mr. Trotta, in that such professional certification made both the employee and PTS appear more professional overall in the Pretrial services community.

The interview was concluded at 9:58 AM.

- **Interview: Alma Lewis, Pretrial Counselor I (Lead Worker)**

The interview with Alma Lewis was conducted at the Main Courthouse on August 16, 2011. This interview was begun at 10:08 AM, was recorded, and was taken under oath.

Alma Lewis is a Pretrial Counselor I, and also the “lead Worker” at the courthouse, meaning she fills in for Debbie Crow as supervisor when Ms. Crow is not available. She has been employed at PTS since 2001, but had also been

employed there from 1996-1999. On Wednesday, June 22, 2011, she was working out of the Palm Beach Gardens location as she normally does on Wednesdays. She was scheduled to take the certification exam the next day, Thursday, June 23rd. She was attending the study session via telephone with Crow, Brown and Hayes, but got busy and had to disconnect early.

Ms. Lewis stated that during the morning of June 22nd, she was told by Debbie Crow that there was a fax coming to her, and that it was "confidential." The fax comes upside down on her machine, and when she received it, she turned it over and examined the first page. It appeared to her to be a copy of a certification test with some of the answers. She immediately turned it back over and refused to read it. Ms. Lewis stated that it was clear to her that it was not an "old" test, because none had been available to them for study materials. She had researched both the NAPSA website and completed a "Google" search weeks earlier in an attempt to locate any such materials, and was aware none were available through these efforts. The fax was 10-15 pages in length, and she decided to destroy it so that no one would accuse her of cheating. She received a second telephone call from Debbie Crow asking if she had gotten the document, to which she replied yes, but that she was uncomfortable with reading it. Crow told her that was her choice. Lewis then got busy with clients and disconnected from the conversation. She did note that during this discussion, Debbie Crow was on speaker phone and both Darlene Brown and Latronda Hayes were in the room.

Ms. Lewis further told me that she was so upset during this time that she spoke to her family about the incident. She later decided to make a written record of what had occurred. She agreed to email me a copy of this document. She was also concerned about having to "re-pay" the county if she did not pass the test, which she stated was based on an email from Debbie Crow, stating that anyone not passing the certification test would be required to re-pay the \$110 cost to the county for the re-test. She also agreed to send me a copy of this email.

The interview was concluded at 10:31 AM.

- **Interview: Latronda Hayes, Pretrial Counselor I**

The interview with Latronda Hayes was conducted at the Main Courthouse on August 16, 2011. This interview was recorded and taken under oath. The interview began at 10:45 AM.

Latronda Hayes is a pretrial Counselor I, and has been employed at PTS for ten (10) years. She is currently working on her Master of Public Administration degree at Nova Southeastern University. She was scheduled to take the NASPA certification examination on Thursday, June 23, 2011. Ms. Hayes states that on Wednesday, June 22nd during a scheduled study session for the test, she was given a photocopy of what appeared to be a sample test by her supervisor Debbie Crow, which she had received through the fax, and was referred to by Crow as a study guide. While the documents had multiple choice questions and answers on it, there was no name on the paper to indicate that it was a completed test, so she assumed it was a practice test. She stated that while she did look over the document, she did not bring it with her into the test because she had forgotten it at home. She took the test at the Courthouse office on Thursday, June 23rd. Darlene brown was also in the room on a separate computer. They did not have any conversations during the test, and left work shortly after completing it in the afternoon.

The interview was concluded at 10:57 AM.

- **Interview: Darlene Brown, Pretrial Counselor I**

The interview with Darlene Brown was conducted at the Main Courthouse on August 16, 2011. This interview was recorded, and taken under oath. The interview began at 11:04 AM.

Darlene brown has worked for PTS for about ten (10) years. Her statement was similar to Latronda Hayes in how she received the test and the fact that she took the certification test at the same time and in the same room as Hayes. She also stated that she believed the test example to be from a separate test, until she began taking the test that Thursday. She did not take the test with her that day.

After completing these interviews, I returned to the COE office and found that Alma Lewis emailed me a copy of her written account of the incident that she had described in the interview, as well as forwarded me the email from Debbie Crow about employees having to pay for the certification test if they did not pass it the second time. Both documents were entered into the investigative file.

On August 17, 2011 I interviewed the following employees at the Gun Club Center, located within the PBSD Main Jail. The following is a synopsis of the information obtained during these interviews:

- **Interview: Geneva Feacher, Pretrial Counselor I**

The interview with Geneva Feacher was conducted at the Gun Club Locations on August 17, 2011. This interview was recorded, and taken under oath. The interview began at 10:17 AM.

Geneva Feacher is a Pretrial Interviewer for PTS at the Gun Club Rd. location, and has been employed with PTS since April, 1992. She took the NAPSA certification test on Saturday, June 25, 2011. She was given what she referred to as the "study guide" on either June 22nd or June 23rd by Conrad Saddler. She went on emergency vacation on Wednesday, July 23rd because her daughter had a medical issue. However, she did log into the test site from home on July 25th to complete the test. She remembers looking at the study guide, and seeing it appeared to be a practice test. She also noticed that some answers to the multiple choice questions, and a few fill in the blank answers were written in. None of the essay questions had answers to them. She did not take the test home with her on vacation. The regular study materials were at her home, and she used them for the test. She does not know what happened to her copy of the test, but said she would look for it.

She also said that she paid to take the test herself. Some discussion of that statement led me to believe she may have misread the email from Debbie Crow, and thought she had to pay for the test. She claims to have gone on the NAPSA website and paid \$110. This information is not verified as she did not have a receipt, although she did say she would look for it.

This interview was concluded at 10:39 AM.

- **Interview: Rene Duvert, Pretrial Interviewer**

The interview with Rene Duvert was conducted at the Gun Club Locations on August 17, 2011. This interview was recorded, and taken under oath. The interview began at 10:47 AM.

Rene Duvert is a Pretrial Interviewer with PTS, working in the Gun Club Rd. Center. He has been employed by PTS for approximately eight (8) years. Mr. Duvert took the NAPSA certification exam on Saturday, June 25, 2011. He was working on Tuesday June 21st, and knew that both Conrad Saddler and Precious Gaiter took the certification exam on that day.

He did receive a copy of the completed test from Saddler, which was referred to as a "study guide" either Tuesday, or the next day, Wednesday June 22nd. Mr. Duvert advised me that he knew what it was, a copy of the completed test, because there were answers on the pages. He used this test to research the answers for his test, although he also believed he would get a different version of the test. He could not offer much information as to who else received the test or reviewed it.

The interview was completed at 10:58 AM.

- **Interview: Nika Paul, Pretrial Interviewer**

The interview with Nika Paul was conducted at the Gun Club Locations on August 17, 2011. This interview was recorded and taken under oath. The interview began at 11:21 AM.

Nika Paul is a Pretrial Interviewer for PTS working at the Gun Club Rd. location. She has been employed by PTS for four (4) years. Ms. Paul first saw the copy of the completed test on Wednesday, June 22nd when she was given a copy by Conrad Saddler, after she returned to the PTS office from court. There were questions on the document that made her believe it was a "test," but no name or other information making it identifiable as Saddler's test. She states that after giving her the document, Saddler told her she was to "find the answers to these questions" to help her study for the exam. Various conversations in the office about the test led her to believe that everyone thought they would be given a different test. But, she was still uncomfortable, because, "it just didn't seem right." She took her exam at home on Thursday morning between 9:30 AM and 11:15 AM. She states she did not use the test provided by Saddler, but she did recognize the questions once she began the exam. Ms. Paul did not know if she still had a copy of the exam, but advised she would look for it.

The interview was concluded at 11:39 AM.

- **Interview: Jeffrey Ivory, Pretrial Counselor I**

The interview with Jeffrey Ivory was conducted at the Gun Club Locations on August 17, 2011. This interview was recorded, and taken under oath. The interview began at 11:47 AM.

Jeffrey Ivory is assigned to the Gun Club Rd. Center as a Pretrial Counselor I. He has been employed by PTS for nineteen (19) years. Mr. Ivory took the certification examination on Tuesday, June 21, 2011 at his home around noon. When he returned to work on Wednesday, June 22nd, he saw Conrad Saddler with a copy of the test. Since he had already taken the test, and did not want to rehash the exam, he did not pay much attention. He was not aware until later that a copy of the test had been given to others that were scheduled to take the exam. He was never given a copy. He did admit being somewhat angry that people taking the test after him were given an unfair advantage, but did not discuss the matter with others. He also was somewhat upset that this issue would reflect badly on PTS as a whole.

The interview was concluded at 11:59 AM.

After completing the interviews, I returned to the COE office to review my notes and continue to add to my investigative report. I also made contact with Shana Bedard, supervisor of the Belle Glade office to set up an interview with her and her subordinate, Shamekia Camel. I scheduled Bedard's interview for Friday, August 18th, since she would be at the Guns Club Center that day. Because Ms. Camel took the examination on Tuesday, June 21st, and worked at the Belle Glade office, I set her interview to be done via telephone on Tuesday, August 23rd.

On Friday, August 19, 2011 I continued interviews with PTS employees at the Gun Club Rd. Center, inside of the PBSO Main Jail Complex. The following is a synopsis of those interviews:

- **Interview: Linda Ocon, Pretrial Services Interviewer**

The interview with Linda Ocon was conducted at the Gun Club Locations on August 19, 2011. This interview was recorded, and taken under oath. The interview began at 9:56 AM.

Linda Icon has been employed by PTS as a Pretrial Interviewer for about five (5) years. She is assigned to the Gun Club Road Center, in the PBSO Mail Jail. Ms. Icon took the NAPSA certification exam on Tuesday, June 21, 2011 at her home, beginning at approximately 12:15 PM and ending about two hours later. She was at work earlier in the

day, but was given the option of taking the exam at home. When she left work, there was no copy of the test, since Conrad Saddler had not yet begun his test.

Ms. Ocon presented me with two (2) copies of the test she had taken on Tuesday, and verified that it was an exact copy of the test, with the exception that on these copies, some of the answers were filled in. She stated that she had found that there were actually two (2) separate copies of the test available, each with different handwriting, indicating the places where several people checked and edited answers. She stated that she first saw the first copy of a printed test upon returning to work on Friday, June 24th, and found it in the PTS conference room at the Gun Club Center. She saw a second copy of the printed test with different handwriting on it in this same location on Monday, June 27th and copied it on Tuesday, June 28th. When I asked Ms. Ocon why she had made copies of the test, she advised that many employees were denying that the copy of the test even existed. So when she saw them, she copied them.

I asked her if her supervisor, Emanuel knew about the test, to which she replied, "He got a copy of it." When I asked if Mr. Trotta knew about the test, she replied, "um, yes." When I asked her how she knew that Mr. Trotta had known about the test, she advised that in the answers to several questions, there was a statement, "per C", and she assumed the "C" referred to Charlie (Trotta) and that he must have seen the test.

She also stated that on Friday, June 24th, while at work, she heard Conrad tell Rene Duvert both the questions and his answers to the essay portion of the test. Duvert was scheduled to take the test the next day. When I asked if Saddler had known that Duvert would get the same test, she stated that it was a high probability because everyone knew by that point that the same test had been given both Tuesday and Thursday. She also stated that during a conversation with Mr. Trotta a week or so ago, Mr. Trotta did acknowledge that he had received a copy of the printed test from Saddler, but did not realize immediately it was a test copy. However, he did know sometime later, and she believes he said it was sometime that same day. This is consistent with what Mr. Trotta had told me in our interview on July 12th.

When I asked her if she thought getting the test before taking the exam was an advantage for those taking it later than the June 21st date, she stated that she felt it was more of an imposition than advantage to them. But she did agree if they used the test, it would have been an advantage, but she could not say that any co-worker did that.

Ms. Ocon stated that the advantage to being certified through NAPSA was the prestige of the national certification and that it would look good for both the employee and the unit to the criminal justice community to hold this certification.

Ms. Ocon stated that at the end of the test, each person was to "click" on a box certifying that they understood that they were not to receive any assistance in taking the test. She took this to mean that you could not print out a copy of the test and give it to others to use. You were to do the entire test on your own. In fact, she felt copying the test and handing it out directly contradicted the instructions of NAPSA.

The interview was concluded at 10:22 AM.

- **Interview: Rosemarie Asia, Pretrial Interviewer**

The interview with Rosemarie Asia was conducted at the Gun Club Locations on August 19, 2011. This interview was recorded, and taken under oath. The interview began at 10:33 AM.

Rosemarie Asia has been employed with PTS for about 8 years. She took the NAPSA certification test on Saturday, June 25, 2011 at the Gun Club Center in an office. She took the test alone, beginning at about 11:30 – 11:40 AM, and finished about 1:00 PM. She was off work on Tuesday and Wednesday of the test week, and returned on Thursday, June 23rd. She recognized the printed copy of the certification test that I showed her. She was given the test on Thursday upon her return to work by Conrad Saddler. Conrad told her that this was a copy of the test. He did not know if it was going to be the same test she would be taking on Saturday, but told her to look it over. She

looked it over and then disposed of it. She saw no reason to use it, because she had been, "studying like crazy." She reiterated during my discussion that Saddler told her that this was a copy of his test, and that it might be the same test given on Saturday when she was scheduled to take the exam, but he was not sure.

Ms. Asia also discussed the meeting at the Gun Club Center with Nicole Bishop, who said she "wished the knowledge of the printed test had remained within PTS, that while it wasn't right, it was not done in a malicious way," basing that assumption on the idea that no one knew the tests would be the same. Ms. Asia also stated that the email from NAPSA informing them of their test dates stated that not all of the tests would be the same. I advised her that no one else has told me of an email stating that, and I would like to see a copy of this email. She said she didn't know if she still had it, but would look.

She also felt that seeing the test was not an advantage to her, because she only looked at it briefly and then destroyed it. I asked her why she destroyed it, and she said because she didn't need it.

The interview was concluded at 10:44 AM.

- **Interview: Precious Gaiter, Pretrial Interviewer**

The interview with Precious Gaiter was conducted at the Gun Club Locations on August 19, 2011. This interview was recorded, and taken under oath. The interview began at 10:51 AM.

Precious Gaiter is a PTS employee working at the Gun Club Center, and has been employed there for about 5½ years. Ms. Gaiter took the examination on Tuesday, June 21, 2011 in the Gun Club center, at the same time and in the same room as Conrad Saddler, but on separate computers. She took the test starting at about 3:00 PM and finished about 5:00 PM. She states that she did not have any conversation with Conrad Saddler during the test, but did see him print out copies of his test while in the same conference room. She did not print out a copy of her test. She completed her test first, and when she left work, Saddler was still completing the essay portion of his test.

Upon returning to work on Wednesday, she saw Saddler fax a copy of the test, and said he was sending it to the Courthouse Center. Sometime later, the Courthouse Supervisor (Debbie Crow) called and asked her about the essay questions. Gaiter told Crow she did not remember the specific essay questions asked on the test. There were copies of the test Conrad had printed out on the table in the conference room on Wednesday. Saddler was going through his study materials and "fact checking," making sure that the answers he had given on the test were correct. She was not sure whether he was doing this for his own information on how he did on the test, or for another reason.

I showed her the test copy given to me earlier by Ocon, which had pen filling in the circles in the multiple choice sections, and she told me on the test itself, the answers came up as either an X or a check mark (she could not remember which). She also stated she recognized some of the written information on the sheet as being in "Conrad's handwriting." When I asked her whether it was an advantage for others to have the test prior to taking the exam, she said not at all, and went on to state that she is sure Conrad did not purposefully try and help people cheat, but is a "very benevolent" person.

She does not feel there is any benefit to obtaining the NAPSA certification for the employee or the program, and described it as simply "another paper on the board."

The interview was concluded at 11:10 am.

- **Interview Shana Bedard, Pretrial Counselor II, (Supervisor of Belle Glade Center)**

The interview with Shana Bedard was conducted at the Gun Club Locations on August 19, 2011. This interview was recorded, and taken under oath. The interview began at 11:20 AM.

Shana Bedard is the Supervisor of the Belle Glade PTS center. She has one employee she supervises, Shamekia Camel, a Pretrial Counselor I. She also works both Mondays and Fridays at the Gun Club Center as well. Bedard has been employed with PTS for four years. Both Bedard and Camel took the test in the Belle Glade center on Tuesday, June 21, 2001. They started the test at approximately 12:20 PM.

She identified the copy of Saddler's test as the same test she took on June 21st. She first saw the paper copy of this test on Thursday, June 23rd in the conference room at Gun Club. Two (2) other employees were reviewing the test and were researching answers from the NAPSA information. Bedard identified these employees as Conrad Saddler and Precious Gaiter. She said that by Wednesday, there was information that such a test had been copied. When she worked at the Main Courthouse Office on Thursday, June 23rd, she asked two other employees (Darlene Brown and Latronda Hayes) how the test was. They both said it was hard. Bedard then asked them if they hadn't received test material from Conrad, which they both denied, but that maybe Debbie Crow had something.

When I asked Bedard about the meeting with Nicole Bishop (Division Head) on a Friday after everyone had taken the test, she said that Nichole's attitude seemed to be that since it was an open book test, she didn't see a problem with it. She stated that she and Linda Ocon (who also was unhappy about the test being given to others) felt as if the entire PTS office was against them during that meeting. She brought up the fact that there was an "honors score" that people could have gotten, and what would it look like if everyone from Palm Beach County PTS did so, when no one in the nation had done it. Bedard states that Bishop's response to this was that since it was an open book test everyone should have gotten an honors score. Bedard said she then mentioned that this would look very bad for PTS if the public knew about it, to which Bishop replied, if anyone let this information outside of Pretrial Services, then it was on them about how the program would look.

She also told me that after I had spoken to Saddler, he had said that he did nothing wrong, that whoever contacted the ethics commission was the person who did something wrong, because they are making our program look bad. When I asked who Saddler had made this statement to, she said Saddler told Rosemarie Asia, who told Linda Ocon, who told Bedard.

Bedard stated that on Wednesday, June 22nd, Charlie Trotta was a part of the study group at the Main Courthouse where the test may have been used, but she is unable to verify this assertion. Bedard also told me that Samekia Camel, who works five (5) days per week in Belle Glade, took the test on Tuesday, and although she has been told about the incident by Bedard, has never seen a copy of the printed test. Therefore, I determined it would not be necessary to interview her about this incident.

During our discussion as to the benefit of a National Certification, Bedard mentioned that the judges at Gun Club rotate generally every two (2) years. Under the current judges, the use of SOR (supervised release) in lieu of or combined with bail has dropped significantly. Bedard believes that PTS administration feels that the NAPSA certification may help the program by showing the judges that they are professional, and may help to increase use of the SOR option.

The interview was concluded at 11:40 AM.

- **Interview: Emanuel Fornah, Pretrial Counselor II, (Supervisor, Gun Club Center)**

The interview with Emanuel Fornah was conducted at the Gun Club Locations on August 19, 2011. This interview was recorded, and taken under oath. The interview began at 11:42 AM.

Emanuel Fornah has been employed at PTS for just over nineteen years. He is the supervisor of the Gun Club Center, as well as the supervisor of Conrad Saddler and several other PTS employees. Mr. Fornah took the NAPSA certification test on Saturday, June 25, 2011 at his home. Mr. Fornah recognized the copy of the completed test I showed to him, and stated he was given a copy of this test by Conrad Saddler on either Tuesday, June 21st or Wednesday, June 22nd. He states that when Saddler gave him the copy, he stated that it was a "study guide."

Fornah looked at it and put it away. He knew upon looking at the document that it contained questions from a test. Although they had been studying NASPA material for months, Fornah admitted this was the first example of a test he had seen.

When I asked him if he asked Conrad what it was, he replied, "Oh, he said it's a study guide, and it's the test from NAPSA." When I repeated his words in the form of a question, and asked if Conrad had told him that this was the test from NAPSA, Mr. Fornah said, "No, Conrad told me it's a study guide, and in looking at it, I realized that it covered the material we were studying." I then stated, "But it's obviously a test of some sort." To which Mr. Fornah replied, "Yes." I then made clear that he was Saddler's supervisor, and then asked him if he asked Saddler where he had gotten the test from, to which he replied no, but he knew it was a copy of the test they had taken on Tuesday. When I asked what he thought about that he replied that he didn't pay much attention to it because "I've taken tests most of my life, and I didn't think NAPSA would give these people a test on Tuesday, and give the same test on a Saturday." He compared this to taking a driver's license test. When you fail, they don't give you the same test. He said that he assumed that the test would be different on Saturday. He took the printed test home and placed it with his other study material. He further stated that after receiving the test copy from Saddler, he did not discuss the test with anyone else. By this statement I believe he was inferring that he was not aware the test given by Saddler to other employees was the same one given on Thursday as well. Mr. Fornah agreed that passing this examination and receiving the certification has the benefit of making both the individual and the organization appear more professional, so there is a distinct benefit to certification from NAPSA.

I asked Mr. Fornah if he worked Thursday and Friday of the test week, to which he replied that he works Monday – Friday. I then asked if after the test was given on Thursday, he was made aware that it was the same test by his employees. His answer was that he was unaware exactly who received the test, but now realizes that many people had gotten it. He admitted that he "bears some sort of responsibility," but maintained that he did not know the tests were the same until Saturday. And he was focusing on the test itself because it would look bad if the supervisor had failed the test. But, he reiterated that the last thing on his mind was that this would be the same test on Saturday. Mr. Fornah did admit that even if the test was not the same, he had the advantage, through the printed copy of the test, of the test format, and where to focus his energy. And, that the people taking the test on Tuesday would not have had that advantage. He also stated that Saddler, as the point person in this effort, was under pressure to have everyone pass this exam, and that may have played a role in his actions of printing the test for others to review.

The interview was concluded at 12:01 PM.

On August 23, 2011, I received an email from NAPSA President Peter Kiers containing a letter he sent to Conrad Saddler. This letter stated that due to his actions in distributing test materials, which "compromised the integrity of the test," the NAPSA Certification Committee would not grant him certification, and that in addition to PTS employees who had tested on June 23rd and June 25th, he would need to re-test in January, 2012 to obtain this certification.

- **Synopsis of facts drawn from the investigation**

1. Seventeen (17) employees of the Palm Beach County Pretrial Services Section (PTS), including the Director and three (3) supervisors took a computer based examination in hopes of obtaining a national certification from the National Association of Pretrial Service Agencies (NAPSA).
2. The material covered by this examination was very extensive, and NAPSA provided approximately 1,000 pages of documents, standards, case law and other materials from which the test questions would be drawn. However, there were no practice tests, or copies of old examinations provided as reference material by NAPSA.

3. An 85% score was needed to successfully pass the examination, and PTS employees studied for nearly six-months prior to sitting for the test. PTS Employee Conrad Saddler was assigned by Director Charles Trotta as the “point person” to assist in gathering and distributing study materials, and assisting other employees in preparing for the test.
4. Employees generally believed taking the examination was mandatory (a belief reinforced at times by statements from supervisors and other employees).
5. The employees were scheduled to take the test on one of three (3) dates:
 - a. **Tuesday, June 21, 2011** (when seven (7) PTS employees took the examination)
 - b. **Thursday, June 23, 2011** (when an additional five (5) employees took the examination), and
 - c. **Saturday, June 25, 2011** (when the remaining five (5) employees took the examination)
6. Conrad Saddler took the examination on the first available date, Tuesday, June 21, 2011. During his test, he made copies of each page of the examination. Over the next two (2) days he provided copies of his test to PTS Director Trotta, Gun Club Center Supervisor Fornah, Main Courthouse Center Supervisor Debbie Crow, and several other employees who were scheduled to take this examination at a later date. The multiple choice portion of the test was presented with his answers, many of which he, or other employees, researched to check the validity of those answers.
7. After receiving the test material from Conrad Saddler on Wednesday, June 22, 2011, Supervisor Debbie Crow made copies of this material even though she suspected it was a copy of a completed certification test taken Tuesday, and distributed this information to her subordinates, with knowledge that they were scheduled to take the examination on Thursday June 23, 2011. She also used this material in a study session for herself and her subordinates.
8. When the next group of employees took the examination on Thursday, it became clear that the test copied by Saddler was the same as the test given on Thursday. How many people were aware of this by the weekend when the last test was taken by five (5) employees (including the Director and a supervisor), is not clear from the interviews with employees.
9. No action was taken by the PTS organization to mitigate the inappropriate use of the test on Saturday after the Thursday examination was given and it became clear that the test given to employees by Saddler was the same as that given both Tuesday and Thursday.
10. None of the employees interviewed during this investigation admitted to using the printed test to assist them while taking the actual NAPSA certification examination.
11. Prior to any testing, NAPSA sent an email to each employee taking the examination advising them of the date of their scheduled examination, and directing them to check the box at the end of the test to indicate that they had not received help from another person during the test. Each of the seventeen (17) employees that took the examination checked this box.
12. On August 23, 2011, NAPSA sent a letter to Conrad Saddler stating that his actions of distributing his completed test, “compromised the integrity of the test in his jurisdiction,” and that he would not be granted certification until he re-tested in January, 2012.
13. A national certification from NAPSA was a benefit to the individual employees and to PTS as an organization. Such a certification by its nature offers a presumption of competence in the field of Pretrial Services. Additionally, the County paid \$110 to NAPSA for each employee that took the examination.

- **Documents submitted to file**

The following documents were submitted to the investigative file:

1. Copy of Pretrial Service Organizational Chart (listing employees who sat for the NAPSA certification examination) (1 page)
2. Copy of completed test of Conrad Saddler, alleged to have been distributed to PTS employees. (16 pages)
3. Copy of a letter from NAPSA President, Peter Kiers, dated May 27, 2011, discussing the upcoming certification examination (2 pages)
4. Document created by COE Research Assistant Ben Evans, listing answers given during the NAPSA certification examination by PTS employees (10 pages)
5. Copy of typewritten document prepared by PTS employee Alma Lewis, as a chronological statement of events as she remembered them (2 pages)
6. Copy of "Acknowledgement of Receipt Palm Beach County Code of Ethics," provided by Respondent Debbie Crow, signed by her on March 9, 2010 (8 pages)
7. Copy of email sent by NAPSA to all PTS persons scheduled to take the certification exam, listing directions and password information (3 pages)
8. Copy of Letter from NAPSA President Peter Kiers to Conrad Saddler, dated August 23, 2011, stating that due to his actions in distributing test materials improperly, the NAPSA Certification Committee would not grant him NAPSA Certification, and he would have to re-take the test in January, 2012 to obtain such certification.

- **Analysis**

The questions presented by this investigation include the following:

1. Do the employees of Palm Beach County Pretrial Services fall under the jurisdiction of the Palm Beach County Code of Ethics, and the Commission on Ethics, and if so, were they under this jurisdiction at the time any alleged violation occurred?

Under Section 2-444, *Definitions* of the Code of Ethics, all employees of Palm Beach County fall within the jurisdiction of the Code of Ethics as of May, 2010. The employees of the Pretrial Services Section fall within the definition of "county employees," as part of the county's Public Safety Department, Justice Services Division, and thus are under the jurisdiction of the Code of Ethics. Since the incident under investigation occurred in June of 2011, these employees were under the jurisdiction of the Code in June, 2011.

2. Did the actions taken by employees and supervisors of Pretrial Services, in printing, distributing, or allowing to be distributed, a completed copy of the NAPSA certification test to employees who had not yet taken this examination, amount to a violation of any section of the Palm Beach County Code of Ethics?

If a violation of the Code of Ethics occurred by these events, the pertinent section of the Code to consider is §2-443(b), *Misuse of official position*, which was enacted into law as of June 1, 2011 as part of the Revised Code of Ethics. Section 2-443(b) does not require that a specific financial benefit inure to any specific person or entity based on their relationship to the employee or official, as would be required to violate §2-443(a), *Misuse of public office or employment*. Section 2-443(b) requires the following elements to have a violation:

1. That the employee used his/her official position, or some property or resource within his or her control; and
2. That the employee secured a special privilege, benefit, or exemption for himself or herself, or others; and

3. That the securing of such a special privilege, benefit or exemption for himself, herself, or others, was done "corruptly," which is defined by the code as; "done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties."

- **Conclusion**

An examination of the information obtained from interviews and the examination of documents during this investigation, provides evidence of probable violations of §2-443(b) of the Palm Beach County Code of Ethics, based on the following:

1. All Pretrial Services employees, supervisors and directors are within the jurisdiction of the Code of Ethics as employees of Palm Beach County based on §2-442, *Definitions*, of the Code of Ethics.
2. As county employees, each employee, supervisor or director of Pretrial Services was under the jurisdiction of the Code, including §2-442(b), as of June 1, 2011.
3. The actions (or omissions) in distributing or allowing the distribution of the completed NAPSA test were taken by employees, supervisors while on duty in their official capacity, or by the use of county property or resources within their control. Further, the certification examination for each individual employee, supervisor or director taking the test was paid for by the county.
4. The test was taken in furtherance of obtaining a national certification as a pretrial services professional, and thus was a benefit to both Pretrial Services as an organization, and to each individual who sat for the examination, and the County paid \$110 to NAPSA for each employee who sat for the examination.
5. All persons sitting for the examination were advised via email by NAPSA prior to their testing date that they were not allowed to receive any assistance in taking the computer based test, and each checked the box at the end of the test certifying that they had not received such assistance.
6. The test was completed by employee Conrad Saddler, who printed out a copy of each page of his examination, noted the answers he believed to be correct on the test copies, and distributed a copy of the examination with these answers to persons who were scheduled to sit for this examination on a future date. Conrad Saddler knew, or should have known that this information would give an unfair advantage to those sitting for the test at a later date, and that it was possible that the same test could be given to those employees.
7. Supervisor Debbie Crow, after receiving the copy of this completed examination for Conrad Saddler, distributed it to other employees within her supervision, used this test in at least one study session with those employees while she knew, or should have known that this information was not available to those taking the test on the first day of testing, and that her actions gave an unfair advantage to her employees who had not yet taken the examination.
8. Pretrial Services Director Charles Trotta, and Gun Club Center Supervisor Emanuel Fornah, both received a copy of the printed test from Conrad Saddler prior to the second scheduled day of testing, knew, or should have known that such information would give an unfair advantage to those taking the examination at a later time, including themselves, and took no action to ensure that the testing process would not be tainted by the use of this information during the examinations.

9. No PTS employees admitted to using the testing materials given to them by Conrad Saddler or any other person while actually taking the certification test, and no evidence was uncovered during the investigation to refute this.

- **Recommendations**

Re: Conrad Saddler, Pretrial Counselor I

Based on this information, staff recommends a finding of probable cause to believe that Conrad Saddler by his actions in printing and distributing a copy of his completed NAPSA certification examination to other employees of Pretrial Services, who he knew had not yet taken this examination, and which he knew or should have known would give an unfair advantage to obtain NAPSA certification, violated §2-443(b) of the PBC Code of Ethics.

Re: Debbie Crow, Pretrial Counselor II (Supervisor, Main Courthouse Center)

Staff also recommends a finding of probable cause to believe, based on her actions in copying and distributing copies of the completed test sent to her by Conrad Saddler to her employees and herself, knowing that they were scheduled to take the certification examination at a future date, and that this material was likely to result in an unfair advantage in obtaining NAPSA certification for herself and her employees over those who did not have this information available to them on the previous test date, violated §2-443(b) of the Palm Beach County Code of Ethics.

**Re: Charles Trotta, PTS Director,
Emanuel Fornah, Pretrial Counselor II** (Supervisor Gun Club Location)

Staff finds that while the investigation revealed that this incident was permitted to occur by the inaction of Director Trotta and Supervisor Fornah, there were no allegations, based on personal knowledge, that either Trotta or Fornah distributed the test information to others, nor did the overall investigation uncover any information alleging such action. Whether or they failed to take action to stop the distribution of materials does not rise to a violation of the Code of Ethics, and there is no legal sufficiency to investigate further as to their culpability.

Re: Precious Gaiter, Pretrial Interviewer

Staff finds that Precious Gaiter took the certification examination at the same time, and in the same office as Conrad Saddler, and therefore could not have had access to the testing materials prior to taking the examination herself. She did advise that she was aware that Saddler was printing and copying the test, but was under no obligation under the Code to either stop him from doing so, or to report his actions to her supervisor. She later was aware that Saddler was distributing copies of this test, but again, had no obligation under the Code to take any action to stop this distribution, and was aware by that point that her supervisor and Director were aware that this information was being given to persons who had not yet taken the test. Therefore, there is no legal sufficiency to find that she violated the Code of Ethics in this matter.

**Re: Darlene Brown, Pretrial Counselor I
Latronda Hayes, Pretrial Counselor I
Geneva Feacher, Pretrial Counselor I
Rosemarie Asia, Pretrial Interviewer
Rene Duvert, Pretrial Interviewer**

Staff finds that a decision regarding the above employees presents a very close call based on the fact that all five of these individuals admitted to reviewing the copy of the improper test and answers prior to taking the examination themselves. Each was given this test by persons in authority; either by a supervisor or by the person appointed by Director Trotta to oversee the collection and dissemination of study materials for the examination (Conrad Saddler). Under these circumstances, there is simply not enough evidence to conclude that they knew or should

have known that the material they were using was improperly obtained. Therefore, there is no legal sufficiency to investigate further as to their culpability.

**Re: Alma Lewis, Pretrial Counselor I
Nika Paul, Pretrial Interviewer**

Staff finds no evidence that either Alma Lewis or Nika Paul used the test information to gain an advantage in taking the NAPSA certification examination. By their sworn statements, and in reviewing the sworn statements of other employees, it appears that upon initially realizing that the new study material they were given was a copy of a test that they should not have had access to, both refused to use the test to gain an advantage in the certification examination process, and destroyed the copies they were given. As with others, they had no duty under the Code of Ethics to report this issue, especially when both were aware that the PTS supervisors and administrators were already aware of the test being distributed. Therefore, there is no legal sufficiency to investigate further as to their culpability.

**Re: Linda Ocon, Pretrial Interviewer
Shana Bedard, Pretrial Counselor II (Belle Glade Supervisor)
Sandra Ortiz, Pretrial Counselor I
Jeffrey Ivory, Pretrial Counselor I
Shamekia Camel, Pretrial Interviewer**

Staff finds that these members could not have received any improper assistance in taking their certification test from the use of the improper study materials provided by Conrad Saddler, since they took the certification test on the same day as Saddler. Under the Code, even if they knew about the improper material prior to the second and third testing dates, they had no legal obligation to report such information, especially when they were aware that PTS supervisors and administrators had that information. Therefore, there is no legal sufficiency to investigate further as to any culpability on their part.

- **Discussion**

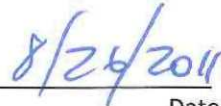
In the final analysis, culpability under the code is probably best limited to the two (2) PTS employees who actually distributed the improper testing material to others that they knew had not yet taken the NAPSA certification test (Conrad Saddler and Debbie Crow). Since the materials were given to future test takers by either a supervisor or the employee assigned by the PTS Director to collect and distribute study materials, those who studied from these materials prior to taking the test bear significantly less culpability, as they reasonably could assume the materials that were provided were not improper.

What is especially troubling to staff, is that had the PTS Director, or his supervisory staff taken action to prevent the distribution of these materials by Conrad Saddler when they initially were given these materials themselves on either Tuesday, June 21st, or Wednesday, June 22nd, the entire issue could have been avoided.

Submitted by:




Mark E. Bannon, Investigator
PB County Commission on Ethics



Date

Reviewed by:



(Initials)



Date

MEMORANDUM OF PROBABLE CAUSE

To: PBC Commission on Ethics
From: John B. Cleary, Jr.
Date: August 30, 2011
Re: Complaint C11-018 – Debbie Crow, Palm Beach County Pretrial Services

- **Recommendation**

A finding of PROBABLE CAUSE should be entered in Complaint C11-017 and Complaint C11-018 as to the allegations made in the Complaint.

Probable Cause exists where there are reasonably trustworthy facts and circumstances for the Commission on Ethics (COE) to believe that the Respondent, Debbie Crow, violated the Palm Beach County Code of Ethics.

- **Jurisdiction**

COE has jurisdiction pursuant to Chapter 2, Article V, Division 8, Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance which states in pertinent part:

Article V, Division 8, Section 2-258. *Powers and duties.* (a) The Commission of Ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Commission on Ethics shall be empowered to review, interpret, render advisory opinions and enforce the;

- (1) Countywide Code of Ethics;
- (2) County Post-Employment Ordinance; and
- (3) County Lobbyist Registration Ordinance.

Article XIII, Section 2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics prohibits any county or municipal elected official or county or municipal employee, from using his or her official position, to “corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself or others.” For the purposes of this subsection, “corruptly” means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

- **Background**

This matter came to the attention of the Commission on Ethics' staff through information provided by an anonymous telephone complaint. The Complainant advised only that certain employees within the Palm Beach County Pre-Trial Services Department (PTS), were scheduled to take an examination given by the National Association of Pretrial Services Agencies (NAPSA) on one of three dates, June 21, 23 and 25, 2011. Passing this examination would lead to a "certification" of the employee in the field of Pretrial Services.

The information received from the anonymous source stated that the test was given to employees on one of the three dates listed, and that a copy of a completed test taken on June 21st by employee Conrad Saddler, had been copied and distributed to other employees that were scheduled to take the test on June 23rd and June 25th, giving those test takers an unfair advantage over those who had taken the test on June 21st. The Complainant also alleged that a copy of the completed test may have been given to employees by supervisors.

Because the information provided was that PTS had paid for the testing, and a professional certification would give the holder the benefit of a presumption of competence in the field, it was decided to begin an Inquiry to establish whether a violation of the PBC Code of Ethics had occurred involving this testing, and whether there was sufficient independent information available to establish such a violation outside of this anonymous complaint.

- **Facts Establishing probable Cause**

COE staff completed an inquiry and subsequent investigation into the allegations, wherein members of PTS who took the NAPSA certification examination on one of the three dates scheduled were interviewed under oath, and wherein various documents pertaining to this certification examination were reviewed, which resulted in the establishment of the following facts:

1. Seventeen (17) employees of the Palm Beach County Pretrial Services Section (PTS), including the Director and three (3) supervisors took a computer based examination in hopes of obtaining a national certification from the National Association of Pretrial Service Agencies (NAPSA).
2. The material covered by this examination was very extensive, and NAPSA provided approximately 1,000 pages of documents, standards, case law and other materials from which the test questions would be drawn. However, there were no practice tests, or copies of old examinations provided as reference material by NAPSA.
3. An 85% score was needed to successfully pass the examination, and PTS employees studied for nearly six-months prior to sitting for the test. PTS Employee Conrad Saddler was assigned by Director Charles Trotta as the "point person" to assist in gathering and distributing study materials, and assisting other employees in preparing for the test.

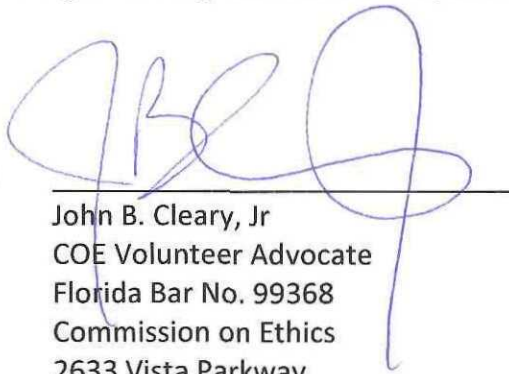
4. Employees generally believed taking the examination was mandatory (a belief reinforced at times by statements from supervisors and other employees).
5. The employees were scheduled to take the test on one of three (3) dates:
 - a. **Tuesday, June 21, 2011** (when seven (7) PTS employees took the examination)
 - b. **Thursday, June 23, 2011** (when an additional five (5) employees took the examination), and
 - c. **Saturday, June 25, 2011** (when the remaining five (5) employees took the examination)
6. Conrad Saddler took the examination on the first available date, Tuesday, June 21, 2011. During his test, he made copies of each page of the examination. Over the next two (2) days he provided copies of his test to PTS Director Trotta, Gun Club Center Supervisor Fornah, Main Courthouse Center Supervisor Debbie Crow, and several other employees who were scheduled to take this examination at a later date. The multiple choice portion of the test was presented with his answers, many of which he, or other employees, researched to check the validity of those answers.
7. After receiving the test material from Conrad Saddler on Wednesday, June 22, 2011, Supervisor Debbie Crow made copies of this material even though she suspected it was a copy of a completed certification test taken Tuesday, and distributed this information to her subordinates, with knowledge that they were scheduled to take the examination on Thursday June 23, 2011. She also used this material in a study session for herself and her subordinates.
8. When the next group of employees took the examination on Thursday, it became clear that the test copied by Saddler was the same as the test given on Thursday. How many people were aware of this by the weekend when the last test was taken by five (5) employees (including the Director and a supervisor), is not clear from the interviews with employees.
9. No action was taken by the PTS organization to mitigate the inappropriate use of the test on Saturday after the Thursday examination was given and it became clear that the test given to employees by Saddler was the same as that given both Tuesday and Thursday.
10. None of the employees interviewed during this investigation admitted to using the printed test to assist them while taking the actual NAPSA certification examination.
11. Prior to any testing, NAPSA sent an email to each employee taking the examination advising them of the date of their scheduled examination, and directing them to check the box at the end of the test to indicate that they had not received help from another person during the test. Each of the seventeen (17) employees that took the examination checked this box.

12. A national certification from NAPSA was a benefit to the individual employees and to PTS as an organization. Such a certification by its nature offers a presumption of competence in the field of Pretrial Services. Additionally, the County paid \$110 to NAPSA for each employee that took the examination.

- **Conclusion**

There is probable cause to believe that Respondent Debbie Crow violated Section 2-443(b) of the Palm Beach County Code of Ethics acting within her official capacity as a supervising employee of Palm Beach County, by distributing copies of a completed NAPSA certification examination to other Pretrial Services employees under her supervision, when she knew or should have known that this material was not material provided by NAPSA for use as study material, using this material in a study session with these employees knowing that both she and the persons to whom she was distributing this material were scheduled to take the certification examination at a future date, and knowing that this material would give them an unfair advantage in taking this examination, and obtaining the NAPSA certification.

BY:



John B. Cleary, Jr
COE Volunteer Advocate
Florida Bar No. 99368
Commission on Ethics
2633 Vista Parkway
West Palm Beach, FL 33411
(561) 233-0724

Mary McCarty, Chair
Ken L. Foster, Vice Chairman
Karen T. Marcus
Carol A. Roberts
Warren H. Newell
Burt Aaronson
Maude Ford Lee

Robert Weisman



INTEROFFICE MEMORANDUM

To: All County Employees

From: Bob Weisman
County Administrator

Re: Code of Ethics

Date: July 15, 1994

Attached is a copy of the Palm Beach County Code of Ethics, which was approved by the Board of County Commissioners on June 7, 1994. Please 1) read and make yourself familiar with the Resolution; and 2) sign and return the acknowledgement form below to your immediate supervisor.

A summary of Sections that relate most to County employees is also attached for your information. Although the Code of Ethics is consistent with the Merit Rules, please take a few moments to review the Code's provisions which become effective August 1, 1994.

If you have questions, please contact Donna Pasciutti (Employee Relations & Personnel) at 233-4611 or Lenny Berger (Assistant County Attorney) at 355-2225.

Acknowledgement of Receipt

NAME: DEBORAH KATHLEEN CROW
(Print or Type)

DEPT/DIV: COURT ADMIN / PRETRIAL SERVICES

I acknowledge that I have received a copy and have reviewed the attached Resolution 94-693, known as the Palm Beach County Code of Ethics.

Signature: Deborah Kathleen Crow Date: 11/23/94
ethics.code

"An Equal Opportunity - Affirmative Action Employer"



HUMAN RESOURCES
10 APR 13 AM 9:50
PALM BEACH COUNTY

**ACKNOWLEDGEMENT OF RECEIPT
PALM BEACH COUNTY CODE OF ETHICS
A Guide for Employees**

Check those items that apply and put your initials after each item you checked

I acknowledge that I have reviewed the Palm Beach County Code of Ethics by

- Watch the Palm Beach County Code of Ethics Training Program on the intranet _____
- Watch the Palm Beach County Code of Ethics Training Program on the Internet _____
- Watch the Palm Beach County Code of Ethics Training Program on DVD _____
- Read the Palm Beach County Code of Ethics document posted on the intranet _____
- Read the Palm Beach County Code of Ethics document posted on the Internet _____
- Read the hard copy of the Palm Beach County Code of Ethics *DK*

I understand that I am responsible for understanding and abiding by the Palm Beach County Code of Ethics as I conduct my assigned duties during my term of employment with Palm Beach County. I also understand that the information in this policy is subject to change. Policy changes will be communicated to me by my supervisor or through official notices.

DEBORAH K. CROW

(Clearly Print Your Legal Name)

PBC PUBLIC SAFETY

(Clearly Print the Name of Your Department)

JUSTICE SERVICES

Deborah K. Crow

(Legal Signature)

3/9/10

(Date)

Employees: submit signed form to your Department Head
Department Heads: Submit signed forms with a list of employees who have NOT yet signed a form to Records, Human Resources by April 23, 2010

SA-1
R-94-693
N/A Adopt as amended. 5-2
M/Mc-70

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 6/07/94 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department

Submitted By: County Administration (Per Board Direction)

Submitted For: _____

I. EXECUTIVE BRIEF

A. Motion and Title:

Staff recommends motion to adopt: A Resolution establishing a Code of Ethics for Palm Beach County.

B. Summary:

The resolution sets forth - Board's direction provided at the Workshops held on January 25, 1994 and February 22, 1994 on the proposed Ethics Ordinance. The resolution addresses conflicts of interest; Acceptance of Gifts, Use of Property, Voting Conflicts, Political Activities, Lobbying, Frivolous Claims and Enforcement. The issues related to "revolving door policy" are not included but will be addressed in a separate ordinance.

C. Background and Policy Issues:

The attached resolution of the proposed Code of Ethics contains the following general changes from the proposed Ethics Ordinance that the Board had reviewed in Workshop:

1. The Code of Ethics is now in the form of a Resolution rather than an Ordinance.
2. The Whereas Clauses of the Resolution have been expanded to make it clear that the intent of the Code is not to deny public officials and County employees the opportunity to pursue private economic interests, but rather draws the line where such pursuit conflicts with the person's responsibility to the public.

Continued on Page 3

D. Attachments:

1. Resolution No. R-94-

Recommended by:

[Signature]

Department Director

4-29-94

Date

Approved By:

[Signature]

Assistant County Administrator

5/11/94

Date

Background and Policy Issues (Cont'd)

3. Section 3 provides that the County Attorney's Office will render advisory opinions concerning the interpretation and application of the code upon request.
4. Section 6 clarifies disclosure requirements for County Officials and employees on the Executive Pay Plan. It requires disclosure of a spouse's real estate interests in the County only if the disclosing individual reasonably believes that the spouse's property interest would give rise to a conflict situation.
5. Section 7 incorporates Florida's Gift Law by reference. The relevant provisions of the state law are attached to the Resolution as Exhibit A.
6. Section 9, Voting Conflicts, was revised to more closely resemble the state law regarding conflicts. This section also defines "special private gain."
7. Section 11, Lobbying, provides separate registration procedures for both paid and unpaid lobbyists. This Section also sets forth the information required for registration.
8. The Enforcement Section has been revised to eliminate local criminal prosecution for violations of the Code.
9. Section 12, Prohibition against Misuse, has been added to the Code to prohibit individuals from using the Code to forward frivolous claims against others.

The resolution does not address the changes that were directed to the "revolving door" policy in that this issue is to be addressed by a modification to the present Ordinance and not through the adoption of a resolution.

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RESOLUTION NUMBER 94-693

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY CODE OF ETHICS; PROVIDING FOR TITLE; PROVIDING FOR EMPLOYEE ACKNOWLEDGEMENT, ONGOING EDUCATION; PROVIDING FOR INTERPRETATION, ADVISORY OPINIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICTS OF INTEREST AND DISCLOSURE; PROVIDING FOR THE ACCEPTANCE AND REPORTING OF GIFTS; PROVIDING FOR USE OF POSITION AND PROPERTY; PROVIDING FOR VOTING CONFLICTS; PROVIDING FOR POLITICAL ACTIVITIES; PROVIDING FOR LOBBYING; PROVIDING FOR PROHIBITION AGAINST MISUSE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Part III of Chapter 112, Florida Statutes (1993) - the Code of Ethics for Public Officers and employees - provides that the public interest requires that the law protect against any conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist; and

WHEREAS, section 3.2 of the Palm Beach County Charter provides that the Board of County Commissioners shall take whatever action is necessary on behalf of its residents to ensure that Public Officers and Employees abide by the Code of Ethics as set out in State Law; and

WHEREAS, the Board of County Commissioners finds and declares that the enactment of a local Code of Ethics is in the best interests of the citizens of the County, and will help ensure that Public Officers and Employees abide by the highest ethical standards; and

WHEREAS, the adherence to the highest standards of ethics protects the integrity of County government and fosters public confidence in the actions of Public Officers and Employees; and

WHEREAS, it is essential that government attract those citizens best qualified to serve. Thus, the provisions of this Resolution concerning conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public

1 officials should not be denied the opportunity available to, al
2 other citizens to acquire and retain private economic interest
3 except when conflicts with the responsibility of such officials t
4 the public cannot be avoided; and

5 WHEREAS, it is also essential that the people be accorde
6 access to all government officials to address relevant issues a
7 all levels of government. In order to preserve and maintain th
8 integrity of the governmental process, it is necessary that th
9 identity, and activities of those who regularly engage in effort
10 to persuade public officials be regularly disclosed to the people.

11 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

13 Section 1. Title.

14 1.01 This Resolution shall be known as the Palm Beach County
15 Code of Ethics.

16 Section 2. Employee Acknowledgement, Ongoing Education.

17 2.01 All persons employed by the Board of County
18 Commissioners are required to submit a signed statement to the
19 Director of Personnel acknowledging they have received and read the
20 Code, and that they are bound by it.

21 2.02 After this Resolution becomes effective all Employees
22 shall receive ethics education as part of the overall Employee
23 orientation. The County shall emphasize ethics for all Board
24 Members, Advisory Board Members and Employees on an ongoing basis.

25 Section 3. Interpretation, Advisory Opinions.

26 3.01 When in doubt as to the applicability and interpretation
27 of the Code of Ethics, covered individuals may request an advisory
28 opinion from the County Attorney's Office. The County Attorney's
29 Office shall keep a file of all written opinions issued and submit
30 a copy of each opinion rendered to all Board Members. These
31 opinions shall be grounded, to the extent possible, by the
32 principles and precedents established by the Florida Judiciary and
33 the Florida Commission on Ethics.

34 Section 4. Rules of Construction.

35 4.01 For the purposes of administration and interpretation

1 of this Code, unless otherwise stated herein, the following rule
2 of construction shall apply:

3 a. In case of any difference of meaning or implication
4 between the text of this Code and any caption, illustration
5 summary table, or illustrative table, the text shall control.

6 b. The word "shall" is always mandatory and not
7 discretionary; the word "may" is permissive.

8 c. Words used in the present tense shall include the
9 future and words used in the singular number shall include the
10 plural, and the plural the singular, unless the context clearly
11 indicates the contrary.

12 d. Unless the context clearly indicates the contrary
13 where a regulation involves two (2) or more items, conditions
14 provisions, or events connected by the conjunction "and", "or" or
15 "either...or", the conjunction shall be interpreted as follows:

16 1. "And" indicates that all the connected terms
17 conditions, provisions, or events shall apply
18 2. "Or" indicates that the connected items
19 conditions, provisions, or events may apply
20 singly or in any combination.
21 3. "Either...or" indicates that the connected
22 items, conditions, provisions or events shall
23 apply singly but not in combination.

24 e. Words importing the masculine gender shall include the
25 feminine and neuter.

26 Section 5. Definitions.

27 5.01 Unless expressly provided herein to the contrary, for
28 purposes of this Code, the following definitions shall apply:

29 a. "Advisory Board Member" shall mean any individual
30 appointed by the Board to serve on a County advisory or appeal
31 board, however constituted.

32 b. "Board" shall mean the Board of County Commissioners of
33 Palm Beach County, Florida.

34 c. "Candidate" shall mean any individual who has filed a
35 statement of financial interest and qualification papers, has

1 subscribed to the candidate's oath required by Section 99.021,
2 Florida Statutes, and seeks by election to become a member of the
3 Board of County Commissioners.

4 d. "Conflict" or "Conflict of Interest" shall mean a
5 situation in which regard for a private interest tends to lead to
6 disregard of a public duty or interest.

7 e. "County Commissioner" shall mean any member of the Board
8 of County Commissioners of Palm Beach County, Florida.

9 f. "Employee" shall mean all personnel employed by the Board
10 of County Commissioners.

11 g. "Lobbying" shall mean seeking to influence the decision of
12 a Board Member or Advisory Board Member by seeking to encourage the
13 passage, defeat or modification of any item pending before the
14 Board or any Advisory Board.

15 h. "Lobbyist" shall mean any person who is employed and
16 receives payment, or who contracts for economic consideration for
17 the purpose of lobbying; or any person who represents an
18 organization, association or other group for the purpose of
19 lobbying.

20 "Lobbyist" shall not include any elected local official when
21 the official is lobbying on behalf of the governmental agency which
22 the official serves, or any member of the official's staff when
23 such staff member is lobbying on an occasional basis on behalf of
24 the governmental agency by which the staff member is employed.

25 i. "Participate" shall mean any attempt to influence a
26 decision by oral, written or other communication, whether made by
27 a County Official or at his or her direction.

28 j. "Person" shall mean individuals, firms, associations,
29 joint ventures, partnerships, estates, trusts, business trusts,
30 syndicates, fiduciaries, corporations (profit or not-for-profit),
31 professional corporations or associations, and all other groups or
32 combinations however constituted.

33 k. "Principal" shall mean the person or entity a lobbyist
34 represents for the purpose of lobbying.

35 l. "Purchasing agent" shall mean an Employee having the

1 authority to commit the expenditure of public funds through
2 contract for, or the purchase of, any goods, services, or interes
3 in real property, as opposed to the authority to reques
4 requisition of a contract or purchase by another person.

5 m. "Relative" shall mean an individual who is related to the
6 subject individual as father, mother, son, daughter, brother,
7 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
8 father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-
9 in-law, sister-in-law, stepfather, stepmother, stepson,
10 stepdaughter, stepbrother, stepsister, half brother, half sister,
11 grandparent, great grandparent, grandchild, great grandchild, step
12 grandparent, step great grandparent, step grandchild, step great
13 grandchild, individual who is engaged to be married to the subject
14 individual or who otherwise holds himself or herself out as or is
15 generally known as the individual whom the subject individual
16 intends to marry or with whom the subject individual intends to
17 form a household, or any other natural person having the same legal
18 residence as the subject individual.

19 n. "Seeks to encourage" shall mean any action which directly
20 or indirectly furthers or communicates a person's intention to
21 affect a decision, proposal, or recommendation. A purely
22 informational request made to a Board Member, Advisory Board Member
23 or Employee does not constitute "seeking to encourage" for purposes
24 of lobbying pursuant to this Code.

25 Section 6. Conflicts of Interest and Disclosure.

26 6.01 Prohibition - Doing Business with the County.

27 a. No Employee acting in his or her official capacity as a
28 purchasing agent, or a Board Member, or an Advisory Board Member,
29 may, either directly or indirectly, purchase, rent or lease any
30 realty, goods or services for the County, from any person in which
31 the Employee, Board Member, Advisory Board Member, or his or her
32 relative, is an officer, partner, director or proprietor, or in
33 which he or she or any relative (or any combination of them) have
34 a material interest. For purposes of this Section, ownership of
35 five or more percent of the total assets of a business entity shall

1 constitute a material interest.

2 b. No Board Member or Advisory Board Member or Employee
3 acting in a private capacity may rent, lease or sell any realty
4 goods or services to the County. This sub-section shall not apply
5 to Advisory Board Members provided said member's board is not
6 responsible in any manner for the approval of or the giving of
7 advice or recommendations as to the rental, lease or sale to the
8 County.

9 6.02 Prohibition - Conflicting Employment or Contractual
10 Relationships. No Board Member, Advisory Board Member or Employee
11 shall have or hold any employment or contractual relationship with
12 any person if the approval, concurrence, decision, recommendation
13 or advice of the Board Member, Advisory Board Member or Employee in
14 his or her official capacity may be sought, obtained or required on
15 any county matter involving such person.

16 6.03 Where advisory board composition requires or permits its
17 members to have particular expertise, such requirement or
18 permission shall constitute an exemption to the provisions of sub-
19 section 6.02 of this Code. Notwithstanding the foregoing, the
20 Members of such Advisory Boards shall comply with Section Nine of
21 this Code pertaining to voting conflicts.

22 6.04 Exemptions - Advisory Board Members. The prohibitions
23 set forth in sub-sections 6.01 and 6.02 of this Section, as they
24 pertain to Advisory Board Members, may be waived in a particular
25 instance by the Board upon a full disclosure of the transaction or
26 relationship prior to the waiver and an affirmative vote in favor
27 of waiver by two-thirds (2/3) of the Board.

28 6.05 Exemption - County Commissioners. County Commissioners
29 shall not be deemed in violation of sub-section 6.02 of this
30 Section if they maintain an employment relationship with an entity
31 which is currently a tax-exempt organization under Section 501(c)
32 of the Internal Revenue Code, and which contracts or otherwise
33 enters into a business relationship with the County, and:

34 a. they are not directly or indirectly compensated as
35 a result of the relationship;

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b. they did not participate in the entity's decision to enter into the relationship; and

c. they abstain from voting or participating on a matter which may come before the County involving the entity publicly state to the assembly the nature of their interest in the matter from which they are abstaining, and file a written memorandum as provided in Section Nine of this Code.

6.06 Additional Exemptions. In addition, no Board Member, Advisory Board Member or Employee shall be held in violation of sub-sections 6.01 and 6.02 if otherwise permitted by state law, or:

a. An emergency purchase or contract must be made in order to safeguard the health, safety and welfare of the citizens of the County, as certified by the County Administrator or his or her designee; or

b. the person involved is the sole source of supply within the County, as certified by the County Administrator or his or her designee; or

c. the total amount of the transactions in the aggregate between the person and the County does not exceed \$500.00 per calendar year; or

d. the Board Member, Advisory Board Member or Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a person who is doing business with the County.

6.07 Disclosure - County Commissioners and Employees.

a. County Commissioners and members of quasi-judicial boards or other boards whose members are required by Florida Statutes to file a disclosure statement shall file a county disclosure statement with the Clerk of the Board provided the individual covered by this subsection has an employment or other contractual relationship with any non-county entity or has any real property interests in Palm Beach County except homestead property.

b. All Employees covered by the Executive Pay Plan must file a county disclosure statement with their Department Head, provided the individual covered by this subsection has an

1 employment or other contractual relationship with any non-county
2 entity or holds any real property interests in Palm Beach County
3 except homestead property.

4 c. All Department Heads must file a county disclosure
5 statement with the County Administrator, provided the individual
6 covered by this subsection has an employment or other contractual
7 relationship with any non-county entity or holds any real property
8 interests in Palm Beach County except homestead property.

9 d. The disclosure statement shall be filed within thirty
10 (30) days after the creation or acceptance of the outside
11 employment activity or real property interest, and shall be renewed
12 and updated on or before July 1st of each year.

13 e. All other Employees must meet the requirements of the
14 Merit Rule regarding outside or non-county employment.

15 **6.08 Disclosure Statement**

16 The county disclosure statement shall set forth in writing
17 outside employment activities and ownership interests in real
18 property as follows:

19 a. With regard to any outside employment activity, the
20 disclosure statement shall contain the following information:

- 21 1. The name, address, and telephone number of the
22 outside employer;
- 23 2. A brief description of the purpose and
24 activities of the outside employer;
- 25 3. The position held by the disclosing
26 individual;
- 27 4. The disclosing individual's relationship in
28 and to the business; and
- 29 5. The nature and extent of any ownership
30 interest in the business.

31 b. With regard to the real property interest, the
32 disclosure statement shall contain the following information:

- 33 1. The address or location of all real property
34 situated in Palm Beach County, except
35 homestead property;

1 2. The address or location of all real proper
2 situated in Palm Beach County, except homeste
3 property, in which the disclosing individual
4 spouse holds an interest, provided th
5 disclosing individual reasonably believes tha
6 the spouse's ownership interest could give ris
7 to a conflict as set forth in Section Six o
8 Nine of this Code; and

9 3. A description of the nature of the interes
10 and the type of investment.

11 Section 7. Acceptance and Reporting of Gifts.

12 The Board of County Commissioners hereby adopts and
13 incorporates by reference Florida's Gift Law as it may be amended
14 from time to time. Relevant provisions of the Florida Gift Law, as
15 codified in section 112.312(12) and section 112.3148, Florida
16 Statutes (1993), are attached hereto as Exhibit A.

17 Section 8. Use of Position or Property.

18 Board Members, Advisory Board Members and Employees shall not
19 use or attempt to use, with a wrongful intent, their official
20 position or any property or resource which may be within their
21 official trust, to secure a special privilege, benefit or exemption
22 for themselves or others, except for those that are incidental and
23 consistent with the proper performance of their official duties.

24 Section 9. Voting Conflicts.

25 9.01 No Board Member or Advisory Board Member shall vote
26 or participate in his or her official capacity on any matter if
27 that member knows or should know that doing so would inure, either
28 directly or indirectly, to:

29 a. his or her special private gain; or

30 b. the special private gain of any person by whom he or
31 she is retained, or the parent or subsidiary organization thereof;

32 or

33 c. the special private gain of a relative of the Board
34 Member or Advisory Board Member.

35 For the purpose of this sub-section, "special private gain" shall

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mean economic benefit of any kind which inures to the individual as opposed to a class of similarly situated individuals.

9.02 Disclosure. Board Members and Advisory Board Members prohibited from voting and participating on any matter pursuant to sub-section 9.01 above, shall:

a. publicly state to the assembly the nature of the interest in the matter in which they are prohibited from voting and participating; and

b. disclose the nature of their interest in the matter from which they are prohibited from voting and participating within fifteen (15) days after the vote occurs in a memorandum filed with the clerk of such board, who shall incorporate the memorandum in the minutes.

9.03 Resignation or Removal. Advisory Board Members shall resign or be removed from service when the number and nature of the conflicts disclosed and declared pursuant to sub-sections 9.01 and 9.02 of this Code, create a continuing or frequently recurring conflict between their private interests and the performance of their public duties, or impairs the full and faithful discharge of their public duties.

9.04 Whenever an Advisory Board Member is being considered for reappointment to public office, the number and nature of said conflicts previously disclosed and declared pursuant to this Section shall be considered by the Board.

Section 10. Political Activities.

10.01 No Employee shall engage in political activities during his or her scheduled hours of employment or office hours. The term "political activities" shall mean soliciting support or funds for a candidate for public office or a political party.

10.02 No County Commissioner or Employee shall require, directly or indirectly, any other County Commissioner or Employee to participate, in any manner, in an election campaign.

10.03 No Employee shall be prohibited from seeking or holding elective office. Employees shall not be disciplined for seeking or holding elective office, unless they violate any

1 provision of this Section while engaging in that activity.

2 Section 11. Lobbying.

3 11.01 Registration Required -- Paid Lobbyists. A
4 lobbyists who are employed and receive payment, or who contract for
5 economic consideration for the purpose of lobbying shall, before
6 engaging in lobbying, register with the Clerk to the Board of
7 County Commissioners. Every lobbyist required to register shall
8 submit a form prepared by the Clerk's Office and shall state under
9 oath his or her name, address, the name and address of each
10 principal represented, the general and specific areas of
11 legislative interest, and the nature and extent of any direct
12 business association or partnership with any current Board Member,
13 Advisory Board Member, or County Employee. It shall be the duty of
14 such lobbyists to continually update the registration information
15 required herein. A lobbyist's registration shall automatically
16 expire on December 31st of the year of registration.

17 11.02 Registration Required -- Unpaid lobbyists. Lobbyists
18 who do not receive economic consideration of any kind for the
19 purpose of lobbying shall, before engaging in lobbying the Board of
20 County Commissioners or any Advisory Board during a public meeting,
21 submit a lobbying registration card to the clerk of that Board.
22 The lobbying registration card shall be provided by the Clerk's
23 Office and shall require the lobbyist to indicate his or her name
24 and address; the name and address of the principal represented that
25 day; the specific issue to be addressed that day, and the nature
26 and extent of any direct business association or partnership with
27 any current Board Member, Advisory Board Member, or Employee. The
28 card shall be incorporated into the minutes of the meeting.

29 11.03 Registration exceptions. Registration shall not be
30 required for the following:

31 a. Board Members, Advisory Board Members or Employees
32 discussing matters relevant to their official duties; or

33 b. Consultants under contract with the County who
34 communicate with Board Members, Advisory Board Members or Employees
35 regarding issues related only to the performance of their services

1 under their contract.

2 11.04 False Statements. A lobbyist shall not knowingly
3 willfully make, or cause to be made, a false statement
4 misrepresentation of fact to Board Members, Advisory Board Member
5 or Employees.

6 11.05 Disclosure of Principal. A lobbyist shall disclose
7 to Board Members, Advisory Board Members or Employees the principal
8 on whose behalf any communication is made.

9 11.04 Compensation. A lobbyist shall not give, directly or
10 indirectly, any compensation for services rendered by the lobbyist
11 to Board Members, Advisory Board Members or Employees.

12 Section 12. Prohibition against Misuse.

13 Individuals covered by this Code shall not use its provisions
14 to further frivolous claims against another. Frivolous claims
15 shall be those forwarded with knowledge that the claim contains one
16 or more false allegations or with reckless disregard for whether
17 the complaint contains false allegations of fact material to a
18 violation of this Code.

19 Section 13. Enforcement.

20 Violation of any of the provisions set forth in this Code may
21 constitute grounds for suspension or removal from office, pursuant
22 to applicable statutory and constitutional procedures. Any
23 Employee who violates any of the provisions set forth this Code may
24 be subject to employment sanctions, including but not limited to
25 reprimand, suspension, or discharge in accordance with procedures
26 under which the Employee may otherwise be disciplined. Any
27 Advisory Board Member who violates any of the provisions set forth
28 in this Code may constitute grounds for removal from any and all
29 boards pursuant to applicable statutes local ordinance.

30 Section 13. Effective Date.

31 The provisions of the Palm Beach County Code of Ethics shall
32 be effective August 1, 1994.

33 The foregoing resolution was offered by Commissioner Newell

1 who moved its adoption. The motion was seconded
2 Commissioner Aaronson and, being put to a vote, the vote was
3 follows:

4 COMMISSIONER KAREN T. MARCUS - NAY
5 COMMISSIONER CAROL A ROBERTS - AYE
6 COMMISSIONER WARREN H. NEWELL - AYE
7 COMMISSIONER MARY MCCARTY - NAY
8 COMMISSIONER BURT AARONSON - AYE
9 COMMISSIONER KEN L. FOSTER - AYE
10 COMMISSIONER MAUDE FORD LEE - AYE

11 The Chair thereupon declared the Resolution duly passed ar
12 adopted this 7th day of June, 1994.

13 APPROVED AS TO FORM AND
14 LEGAL SUFFICIENCY
15

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

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Dorothy H. Wilken, Clerk

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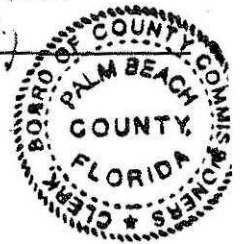
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Deputy Clerk

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R-94-693



(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, lodging, or parking.
8. Food or beverage, other than that consumed at a single sitting or event.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment or business.

R94 693.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or his spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. Food or beverage consumed at a single sitting or event.

7. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

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(4) UNAUTHORIZED COMPENSATION.—No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.

R94 693

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b) "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency. With respect to an agency that has established by rule, ordinance, or law a registration or other designation process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his financial interests.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice,

investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift, food, or beverage from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift, food, or beverage is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement

employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Joint Legislative Management Committee. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a report-

ing individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the

report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Department of State.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not exempted under s. 112.312(12)(b)6. and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(8)(a) Each reporting individual or procurement employee shall file a statement with the Secretary of State on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he believes to be in excess of \$100 in value, if any, accepted by him, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.—s. 2, ch. 89-360; s. 8, ch. 90-502; s. 9, ch. 91-65; s. 7, ch. 91-292.

112.3149 Solicitation and disclosure of honoraria.

(1) As used in this section:

(a) "Honorarium" means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his behalf, as consideration for:

1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.

2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term "honorarium" does not include the payment for services related to employment held outside the reporting individual's or procurement employee's public position which resulted in the person becoming a reporting individual or procurement employee, any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties, a campaign contribution reported pursuant to chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event for a reporting individual or procurement employee and spouse.

(b) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file a full or limited public disclosure of his financial interests.

(d) "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting

individual or procurement employee or his agency. With respect to an agency that has established by rule, ordinance, or law a registration or other designation process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(2) A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to the reporting individual's or procurement employee's public office or duties.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in s. 106.011, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee or committee of continuous existence, as defined in s. 106.011, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

(5) A person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee, but who provides a reporting individual or procurement employee, or a reporting individual or procurement employee and his spouse, with expenses related to an honorarium event, shall provide to the reporting individual or procurement employee, no later than 60 days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event.

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the Department of State.

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(7) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (4) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the honorarium was paid in violation of subsection (4), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(8) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.—s. 9, ch. 90-502.

BEFORE THE PALM BEACH COUNTY COMMISSION ON ETHICS

In re: DEBBIE CROW

Complaint No.: C11-018

Respondent
_____ /

NOTICE OF APPEARANCE OF COUNSEL

COMES NOW Tara A. Finnigan, Esquire, files this Notice of Appearance as counsel on
Behalf of the Respondent.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Appearance of Counsel has
been furnished to COE Advocate John Cleary, johnclaw@bellsouth.net and to Alan S. Johnson
(Executive Director), ajohnson@palmbeachcountyethics.com this 27th day of September, 2011.

of counsel