



**PALM BEACH COUNTY COMMISSION ON ETHICS**  
300 North Dixie Highway, Suite 450, West Palm Beach, Florida 33401  
Hotline: 877-766-5920 or 561-355-1915

**COMPLAINT FORM**

**1. Complainant**

Name: Steven P. Cullen E-Mail: ethics@palmbeachcountyethics.com  
Address: 300 N. Dixie Highway, Suite 450  
City: West Palm Beach Zip Code: 33401  
Phone No #: 561-355-1915

**2. Respondent**

Name: Hal Valeche E-Mail: HValeche@pbcgov.org  
Address: 301 North Olive Avenue, Suite 1201  
City: West Palm Beach Zip Code: 33401  
Home #: \_\_\_\_\_ Work #: 561-355-2201 Cell #: \_\_\_\_\_  
Title/Office Held or Sought: Commissioner, District 1

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

- ☒ Allegation is against person in County/Municipal Government  
☐ Allegation is about County/Municipal Whistleblower Retaliation  
☐ Allegation is against a Vendor, Lobbyist, or a Principal of a Lobbyist

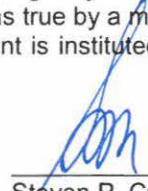
**4. STATEMENT OF FACTS ATTACHED**

Exhibit 1 – Memorandum of Inquiry  
Exhibit 2 – Memorandum of Legal Sufficiency  
Exhibit 3 – Supporting Documentation

**5. OATH**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Personally known to me and appeared before me, Steven P. Cullen, Executive Director of the Palm Beach County Commission on Ethics, whose signature appears below, being duly sworn, says that the allegations set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which if true would constitute the offenses alleged and that this complaint is instituted in good faith. Signed and sworn to on this 8th day of January, 2015.

  
\_\_\_\_\_  
Steven P. Cullen, Executive Director

  
\_\_\_\_\_  
(Signature of Notary Public, State of Florida)

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



**GINA LEVESQUE**  
MY COMMISSION # EE 207356  
EXPIRES: July 17, 2016  
Bonded Thru Budget Notary Services

PALM BEACH COUNTY COMMISSION ON ETHICS  
AFFIDAVIT

To: Steven P. Cullen, Executive Director  
From: Anthony C. Bennett, Investigator  
Re: AN 14-029 - Hal Valeche, Commissioner, Palm Beach County

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• **Facts**

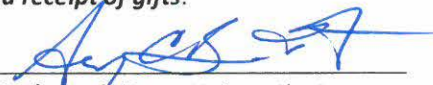
On August 28, 2014, the Commission on Ethics (COE) received a PBC Gift Form that was signed and submitted by Hal Valeche, Commissioner, Palm Beach County. The form indicated Commissioner Valeche received two (2) tickets to the NPC Chamber 2014 Leadership Awards Dinner with a monetary value of \$350 each; received May 9, 2014 from Mr. Don (Donaldson) Hearing of Cotleur & Hearing. According to the Palm Beach County Lobbyist Registry, Don Hearing is a Registered Lobbyist under the name Donaldson Hearing for the lobbying firm Cotleur & Hearing, Inc.

Under Section 2-444(a)1, ***Gift law***, of the PBC Code of Ethics, "***No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100.00) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.***"

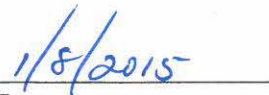
Mr. Don Hearing has been determined to be a lobbyist who lobbies Palm Beach County in accordance with the Code definition. The amount of the tickets exceeds the allowable gift amount that a registered lobbyist who lobbies an official or an employee of a county or municipality covered under the Palm Beach County Code of Ethics is allowed to give.

The acceptance of this gift in excess of \$100 in value from any source not listed as an exception within the code (this benefit fits none of the exceptions listed) by Commissioner Valeche may be in violation of the Palm Beach County Code of Ethics Gift Law as stated above.

On October 15, 2014, Commissioner Valeche filed an amended PBC Gift Form to the COE which shows the two (2) tickets to the NPC Chamber 2014 Leadership Awards Dinner, or "*gift*", missing from the document. Also included was a check in the amount of three hundred and fifty dollars (\$350.00) written by Commissioner Valeche to Don Hearing. The check was dated on October 8, 2014. This time frame falls outside of the ninety day window that an individual is allowed to return a gift item to a vendor or lobbyist in accordance with of ***§112.3148 Reporting and prohibited receipt of gifts.***

By:   
Anthony C. Bennett, Investigator  
PBC Commission on Ethics

DATE

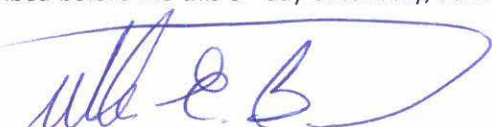
  
1/8/2015

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of January, 2015 by Anthony C. Bennett, who is personally known to me.



MARK E. BANNON  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE159006  
Expires 1/11/2016

  
Signature of Notary Public



**Form 9****QUARTERLY GIFT DISCLOSURE  
(GIFTS OVER \$100)**

LAST NAME -- FIRST NAME -- MIDDLE NAME: Valeche, Hal R.			NAME OF AGENCY: Palm Beach County Board of County Commissioners	
MAILING ADDRESS: 301 N. Olive Avenue, West Palm Beach, FL 33401			OFFICE OR POSITION HELD: County Commissioner	
CITY: West Palm Beach	ZIP: FL	COUNTY: 33401	FOR QUARTER ENDING (CHECK ONE): <input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input checked="" type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER	
			YEAR 20 <u>14</u>	

**PART A — STATEMENT OF GIFTS**

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT
4/30/2014	Two VIP tickets to SunFest	\$400	Paul Jamieson Executive Director	525 Clematis Street WPB, FL 33401
5/29/2014	2 tickets to NPBC Chamber 2014 Leadership Awards Dinner	\$350	Don Hearing Cotleur & Hearing	1934 Commerce Lane Jupiter, FL 33458

☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET

**PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT**

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

**PART C — OATH**

I, the person whose name appears at the beginning of this form, do  
depone on oath or affirmation and say that the information disclosed  
herein and on any attachments made by me constitutes a true accurate,  
and total listing of all gifts required to be reported by Section 112.3148,  
Florida Statutes.

SIGNATURE OF REPORTING OFFICIAL

STATE OF FLORIDA  
COUNTY OF Palm Beach  
Sworn to (or affirmed) and subscribed before me this  
27th day of August, 20 14

by Hal R. Valeche

Cindy L. DeFilippo

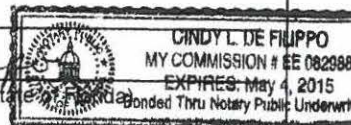
(Signature of Notary Public - State of Florida)

Cindy L. DeFilippo

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

Personally Known ☒ OR Produced Identification

Type of Identification Produced \_\_\_\_\_

**PART D — FILING INSTRUCTIONS**

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 3600 Maclay Blvd. South, Suite 201, Tallahassee, Florida 32312. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)



# Lobbyist Registry



[<< Back to Lobbyist Registry](#)

## Lobbyist Details

**Lobbyist Name :** Hearing, Donaldson

**Lobbyist Firm Name :** Cotleur & Hearing, Inc.

**Lobbyist Address :** 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

## Principal Search

First Name

Last Name

Company Name

Search

Clear

Principal Name	Company Name	Paid	Effective From	Withdrawn On
Modica, Charles	1116 Love Street, LLC	Yes	06/28/2012	
Greenfield, Andrew	Admirals Cove POA	Yes	09/24/2014	
Miller, Richard	Allegro Development Company, LLC	Yes	09/23/2011	
May, Mark	Bluffs Marina Association, Inc.	Yes	07/29/2013	
Di Giacinto, Henry	Bright Futures	Yes	11/06/2012	

[Next >](#) | [Last Page >>](#)



# Lobbyist Registry



Lobb

## Lobbyist Details

Se

### Details for Hearing, Donaldson

Phone #: (561) 747-6336

Email: darlenes@coteleur-hearing.com

Sear

Firm Address: 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

Lobbying In: Atlantis, Belle Glade, Boca Raton, Boynton Beach, Briny Breezes, Cloud Lake, Delray Beach, Glen Ridge, Golf, Greenacres, Gulf Stream, Haverhill, Highland Beach, Hypoluxo, Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Lake Park, Lake Worth, Lantana, Loxahatchee Groves, Manalapan, Mangonia Park, North Palm Beach, Ocean Ridge, Pahokee, Palm Beach, Palm Beach County, Palm Beach Shores, Palm Springs, Royal Palm Beach, South Bay, South Palm Beach, Tequesta, Wellington

Hearin

ure  
s



## Lobbyist Principal Details/Registration & Withdraw Effective Dates

### Details for the Lobbyist - Hearing, Donaldson for the Principal - Carver Family Ltd

Legislative Interests			
General			
Government Entity	Date Registered	Date Effective	Date Withdrawn
Palm Beach County	11/05/2010	11/05/2010	

### Details for the Lobbyist - Hearing, Donaldson for the Principal - Kids Sanctuary Campus, Inc.

Legislative Interests			
General			
Government Entity	Date Registered	Date Effective	Date Withdrawn
Palm Beach County	03/25/2011	03/25/2011	

### Details for the Lobbyist - Hearing, Donaldson for the Principal - Temple Torh Of West Boynton Beach, Inc.

Legislative Interests			
Land Development			
Government Entity	Date Registered	Date Effective	Date Withdrawn
Palm Beach County	05/09/2011	05/09/2011	

### Details for the Lobbyist - Hearing, Donaldson for the Principal - Downtown At The Gardens Associates Ltd

Legislative Interests			
General			
Government Entity	Date Registered	Date Effective	Date Withdrawn
Palm Beach County	05/06/2011	05/06/2011	

### Details for the Lobbyist - Hearing, Donaldson for the Principal - Moody Investments

Legislative Interests			
General			
Government Entity	Date Registered	Date Effective	Date Withdrawn
Palm Beach County	11/05/2010	11/05/2010	

PALM BEACH COUNTY COMMISSION ON ETHICS  
**MEMORANDUM OF INQUIRY**

To: Steven Cullen, Executive Director  
From: Anthony C. Bennett, Investigator  
Re: AN 14-029 – Hal Valeche, Commissioner, Palm Beach County

- **Background**

This matter came to the attention of the Commission on Ethics (COE) via a PBC Gift Form that was signed and submitted by Hal Valeche (Respondent), Commissioner, Palm Beach County. The form was received in the COE office on August 28, 2014. The form lists the following information:

- Two (2) VIP tickets of admission to SunFest with a monetary value of \$400 each; received April 30, 2014 from Mr. Paul Jamieson, Executive Director.
- Two (2) tickets to the NPC Chamber 2014 Leadership Awards Dinner with a monetary value of \$350 each; received May 29, 2014 from Mr. Don Hearing of Cotleur & Hearing.

The amount of the tickets exceeds the allowable gift amount that an employee covered under the Palm Beach County Code of Ethics is allowed to receive, if they are from a vendor of the public entity served by the official or employee, or from a lobbyist, principal of a lobbyist or employer of a lobbyist that lobbies that public entity.

After reviewing the form, there was one issue to consider, which is did the Respondent accept an improper gift from a registered lobbyist who lobbies Palm Beach County?

- **Inquiry**

Respondent is a current member of the Palm Beach County Board of County Commissioners. He was elected to serve Palm Beach County District 1 in November of 2012. He filed a copy of the State of Florida Form 9 Quarterly Gift Disclosure (Gifts Over \$100) via fax to the Palm Beach County Commission on Ethics Office on August 28, 2014. Respondent is a state reporting official.

The Gift Disclosure Form listed two tickets to SunFest, a festival held in West Palm Beach each year. These tickets (valued at \$800 total) were received by Respondent from the Sunfest Executive Director Paul Jameison. These tickets are not prohibited by the Code of Ethics, as the Sunfest organization, while technically a “vendor” of Palm Beach County, falls within an exception to the gift prohibition from certain specific vendors found under Section 2-444, *Gift law*, sub-section (g)(1)(i), as long as the gift is not given by a person or entity who is *otherwise* a vendor of the public entity, or a lobbyist or principal or employer who lobbies the public entity. In the case of Sunfest Executive Director Jamieson, he is not otherwise a vendor, lobbyist, principal or employer of a lobbyist, and so the gift is not prohibited. The only requirement in this case is that the gift be reported, which was properly completed by Respondent when he submitted his State of Florida Gift Disclosure Form.

The second listing on the Gift Disclosure Form entry listed two tickets to the NPC Chamber 2014 Leadership Awards Dinner, was received by Respondent on 5/29/2014. The tickets were listed as being given by Mr. Don Hearing of Cotleur & Hearing, Inc. According to the Palm Beach County Lobbyist

Registry, Don Hearing is a Registered Lobbyist under the name Donaldson Hearing for the lobbying firm Cotleur & Hearing, Inc.

Hearing lobbies for several clients that conduct business with multiple municipalities within Palm Beach County, to include lobbying Palm Beach County government officials. Several "Palm Beach County Board of County Commissioners Paid Lobbyist Registration Forms" were found on file which lists Donaldson E. Hearing as the principal lobbyist, lobbying on behalf of clients doing business with Palm Beach County Government.

- **Applicable law**

**The following portions of the PBC Commission on Ethics ordinance are relevant:**

**Section 2-254. Creation and Jurisdiction.**

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to *any person required to comply with the countywide code of ethics*, the county lobbyist registration ordinance, and the county post-employment ordinance... (Emphasis added)

**Section 2-256. Applicability of code of ethics ordinance.**

The Countywide code of ethics ordinance shall be applicable to all persons and/or entities within the jurisdiction of said ordinance and shall apply to the members and staff of the commission on ethics.

As of June 1, 2011, all elected officials and employees of Palm Beach County Government were within the jurisdiction of the PBC Commission on Ethics and the Code of Ethics. Respondent is currently the elected Palm Beach County District 1 Commissioner.

**The following portions of the PBC Code of Ethics are relevant:**

**Sec. 2-442. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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. 2-444. Gift law.**

- (a)(1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100.00) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.



- (g) For the purposes of this section, "**gift**" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. (Emphasis added)

(1) Exceptions. The provisions of subsection (g) shall not apply to:

- (i) A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or **if furnished pursuant to a contract between the event sponsor and the county or municipality as applicable provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist.** Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2); (Emphasis added)

Section (g)(1)(a-j) lists several exceptions to the gift law, and one exception (i) applies to the gift from Jamieson, as he is not otherwise a vendor and is not a lobbyist, principal or employer of a lobbyist. However, none of the listed exceptions are applicable to the gift from Hearing, because he is a lobbyist who lobbies Palm Beach County.

- **Analysis and Conclusion**

The following information was developed by this investigator during this Inquiry:

- A PBC Gift Form was received in the COE office on August 28, 2014.
- The form was completed and signed by Hal Valache, District 1 Commissioner, Palm Beach County.
- The form listed the receipt of two (2) admission tickets to SunFest (monetary value \$400 each) dated April 30, 2014, which is not a prohibited gift under the Code of Ethics, and was properly reported.
- The form also listed two (2) admission tickets to the NPBC Chamber 2014 Leadership Awards Dinner (monetary value \$350 each) dated May 29, 2014.
- The tickets to the NPBC Chamber dinner were given by Mr. Don Hearing, Registered Lobbyist with the lobbying firm Cotleur & Hearing, Inc.
- According to the Palm Beach County Lobbyist Registry, Hearing lobbies for several vendors that do business with Palm Beach County.
- The amount of the gift exceeds the allowable limit from a vendor or lobbyist as outlined in the Code.

Based on the information gathered, Mr. Don (Donaldson) Hearing has been determined to be a lobbyist who lobbies Palm Beach County in accordance with the Code definition. Respondent filed a State of Florida Form 9 Gift Disclosure Form with the Florida Commission on Ethics which listed him accepting two (2) tickets to the NPBC Chamber 2014 Leadership Awards Dinner valued at \$350 per ticket. He also sent a copy of that form to the PBC COE as required by the PBC Code of Ethics. These tickets were given to Respondent by Mr. Hearing.

Evidence obtained and reviewed indicates there are sufficient facts present to establish that if the information is true, Respondent may have violated Section 2-444(a)1 and 2-444(g), Gift Law, of the Palm Beach County Code of Ethics by accepting the tickets from a Registered Lobbyist. There was no sworn complaint filed in this matter, but the COE Executive Director has the authority to file a "self-initiated" complaint where legal sufficiency exists. As stated below:


*Legal sufficiency to file a self-initiated complaint 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 as true 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.*


- **Recommendation**

Based on the evidence obtained during the initial Inquiry, I recommend that a self-initiated complaint be filed by the COE Executive Director, and that a formal investigation commence.


At the point such self-initiated complaint is filed, this matter will be deemed as **LEGALLY SUFFICIENT** under Section 2-260(a)(2), ***Procedure on Complaints Filed, Legal sufficiency of complaints***, of the PBC Commission on Ethics Ordinance.


Submitted by:

  
\_\_\_\_\_  
Anthony C. Bennett  
PB County Commission on Ethics

  
\_\_\_\_\_  
Date

Reviewed by:

  
\_\_\_\_\_  
(Initials)

  
\_\_\_\_\_  
Date

PALM BEACH COUNTY COMMISSION ON ETHICS  
**LEGAL SUFFICIENCY DETERMINATION**

To: File  
From: Steven P. Cullen, Executive Director  
Re: AN14-029 – Hal Valeche, Commissioner Palm Beach County, Florida

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- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff via a PBC Gift Form that was signed and submitted by Hal Valeche (Respondent), Commissioner for Palm Beach County. The form was received in the COE office on August 28, 2014. The form indicated Respondent received two (2) tickets to the NPC Chamber 2014 Leadership Awards Dinner with a monetary value of \$350 each; received May 29, 2014 from Mr. Don Hearing of Cotleur & Hearing.

According to the Palm Beach County Lobbyist Registry, Don Hearing is a Registered Lobbyist under the name Donaldson Hearing for the lobbying firm Cotleur & Hearing, Inc. Hearing lobbies for several clients that conduct business with multiple municipalities within Palm Beach County, to include lobbying Palm Beach County government officials.

Mr. Hearing is determined to be a lobbyist who lobbies Palm Beach County in accordance with the Code definition. Respondent may have violated Section 2-444(a)(1) and 2-444(g), Gift Law, of the Palm Beach County Code of Ethics by accepting the tickets, which had a gift value greater than the one hundred dollars (\$100) in the aggregate for the calendar year, from a Registered Lobbyist.

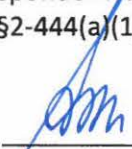
- **Finding**

Based on the information listed in the Memorandum of Inquiry, there is **LEGAL SUFFICIENCY** for further investigation.

*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 substantially on the personal knowledge of the Complainant, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.*

If true, and Respondent violated the Palm Beach County Code of Ethics by committing the alleged unlawful act of §2-444(a)(1) and §2-444(g)(1), Gift Law, then the Commission could find Probable Cause.

BY:

  
\_\_\_\_\_  
Steven P. Cullen, Executive Director  
Florida Bar No. 362204  
PBC Commission on Ethics

1/8/2015  
\_\_\_\_\_  
Date



## INVESTIGATIVE REPORT

To: Steven Cullen, Executive Director  
From: Anthony C. Bennett, Investigator  
Re: C15-001 – Hal Valeche, Commissioner, Palm Beach County

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All information from the Memorandum of Inquiry, supporting documents and Legal Sufficiency Determination are incorporated by reference into this investigation.

- **Allegation**

This matter came to the attention of the PBC Commission on Ethics (COE) via a State of Florida Quarterly Gift Disclosure Form (Form 9) that was signed and a copy submitted to the COE by Hal Valeche (Respondent), Commissioner, Palm Beach County. The Form 9 was received in the COE office on August 28, 2014. The Form 9 lists the following information:

- Two (2) VIP tickets of admission to SunFest with a monetary value of \$400; received April 30, 2014 from Mr. Paul Jamieson, Executive Director.
- Two (2) tickets to the NPC Chamber 2014 Leadership Awards Dinner with a monetary value of \$350; received May 29, 2014 from Mr. Don Hearing of Cotleur & Hearing.

The possible ethical issue stems from the two tickets to the NPC Chamber Awards Dinner. Respondent accepted two tickets to the Northern Palm Beach Chamber's 2014 Leadership Awards Dinner from Mr. Donaldson (Don) Hearing.

1. Is Mr. Hearing a registered lobbyist listed in the Palm Beach County Lobbyist Registry?
2. Does Mr. Hearing lobby Palm Beach County employees and/or Palm Beach County officials?
3. Does the amount of the tickets exceed the allowable gift amount that an employee covered under the Palm Beach County Code of Ethics is allowed to receive, if they are from a vendor of the public entity served by the official or employee, or from a lobbyist, principal of a lobbyist or employer of a lobbyist that lobbies that public entity?

- **Investigation**

Respondent is an elected official already determined to fall under the jurisdiction of the COE. He was elected to the Palm Beach County Commission Seat 1, District 1, in November 2012. As an elected official, Respondent is a state reporting individual for the purposes of the Gift Law section of the Code of Ethics under Section 112.3148, Florida Statutes. Under the PBC Code of Ethics, a copy of all quarterly gift disclosure forms submitted to the state by state reporting individuals must also be submitted to the COE.

I reviewed the Northern Palm Beach County Chamber of Commerce website. The Chamber was founded in 2007 through the result of a merger between the Jupiter, Tequesta, and Juno Beach Chamber and the Northern Palm Beach Chambers. They list themselves as a not-for-profit organization with over 1300 business members represented. They *"focus on the development and retention of businesses by taking an active role in issues that affect the profitability of local companies, protecting and improving the quality of life for residents and, above all, providing superior services and resources to our members."*

The NPC Chamber of Commerce facilitates an annual awards dinner where selected members of the community are honored. In 2014, the Leadership Awards Dinner was held on Thursday, May 29, 2014 at PGA National Resort. Tickets to the event were made available to those wishing to attend at a cost of \$175 per ticket. In addition to tickets, entities were allowed to purchase sponsorships for the event. Included with their sponsorship was a full

table to the event in which they were allowed to invite guests of their choosing. Mr. Hearing's company, Cotleur & Hearing was one of the listed sponsors for the event.

I checked the Palm Beach County Lobbyist Registry website to determine if Mr. Hearing was listed as a registered lobbyist who lobbies Palm Beach County, Palm Beach County employees, or Palm Beach County officials. Mr. Hearing's name was found in the database as a lobbyist for a number of companies that conduct business in Palm Beach County. Below is the listing of his Registry entry in the database:

Lobbyist Details

Lobbyist Name : Hearing, Donaldson  
Lobbyist Firm Name : Cotleur & Hearing, Inc.  
Lobbyist Address : 1944 Commerce Lane, Suite 1, Jupiter, FL 33458

Principal Search

First Name

Last Name

Company Name

Search

Clear

Principal Name	Company Name	Paid	Effective From	Withdrawn On
Modica, Charles	1116 Love Street, LLC	Yes	06/28/2012	
Greenfield, Andrew	Admirals Cove POA	Yes	09/24/2014	
Miller, Richard	Allegro Development Company, LLC	Yes	09/23/2011	
May, Mark	Bluffs Marina Association, Inc.	Yes	07/29/2013	
Di Giacinto, Henry	Bright Futures	Yes	11/06/2012	
<a href="#">Next &gt;</a>   <a href="#">Last Page &gt;&gt;</a>				

Under firm Cotleur & Hearing, Inc., it was found that Mr. Hearing lobbies Palm Beach County employees and officials, in addition to numerous cities within the county on behalf of his clients.

I reviewed ***§112.3148 Reporting and prohibited receipt of gifts***, which is the statute that deals with lobbyists and gifts from lobbyists. Section 7 subsections (a) & (b) of the statute states:

*(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, 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, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift*

As noted on the Form 9 submitted by Respondent on August 28, 2014, he did accept an improper gift from a registered lobbyist. Based on the statute above, there is a 90 day window that allows for an individual to either return the gift or repay the cost of the gift to a donor for any gift over the \$100 threshold. The date of the event was May 29, 2014. Either the tickets or the monies should have been returned to Mr. Hearing by August 27, 2014, which marks the end of the 90 day window. Based on the Form 9 filed by Respondent with the COE dated August 27, 2014 and received August 28, 2014, Respondent did not meet the 90 day window period outlined by the state which would have allowed him to return an improper gift.

On October 8, 2014, Respondent sent a letter to COE Executive Director Steven P. Cullen, stating he "inadvertently accepted two tickets from Don Hearing for the Northern Palm Beach Chamber's 2014 Leadership Awards Dinner." He identified Mr. Hearing as a "Lobbyist" and advised he sent Mr. Hearing a \$350 check to cover the cost of the two tickets. Attached to the letter was a copy of a cashed check from Respondent to Mr. Hearing in the amount of \$350. The check was dated October 8, 2014 and cashed on October 17, 2014. In addition, there was a new Form 9

submitted with the word "Revised" written on top of the form and the NPBC 2014 Dinner tickets entry had been omitted. Despite the cost of the tickets being returned to Mr. Hearing, the date of October 8, 2014 still falls well outside the 90 window allowed by the §112.3148.

**On Tuesday, January 20, 2015, at 1:55 pm, I took a sworn taped statement from Mr. Hal Valeche (Respondent) at Palm Beach County Governmental Center, 300 North Olive Avenue, West Palm Beach, FL 33401. Respondent was sworn in and gave permission to be recorded. Below are the details of that interview:**

Respondent stated he was elected and sworn in to the Palm Beach County Commission in November of 2012. He advised he represents District 1. He stated he received Ethics training in November of 2014 at the Florida Association of Counties meeting. He knew Ethics training was a requirement of all county employees. He said he did recall receiving training on the lobbyist section of the ethics training, as well as training on gifts from individuals to include lobbyists. (Respondent also received training on the Palm Beach County Code of Ethics as required, on November 25, 2012, as evidenced by his signed Training Acknowledgement Form located in personnel records.)

Respondent advised that he knew Mr. Donaldson (Don) Hearing. He stated he's known Mr. Hearing for a long time since his days as a Palm Beach Gardens City Councilman dating back to 2004. He advised that Hearing works as a Land Planner and Landscape Architect. He advised he also knows Hearing as a lobbyist that lobbies Palm Beach County. He stated Hearing is also registered in the Palm Beach County Lobbyist Registry.

Respondent advised he was familiar with the 2014 Leadership Awards Dinner. He stated he attended the event at PGA National. He said he did receive "tickets" to the event. He advised Hearing called him up and said "We'd like you to come to the Leadership Awards Dinner" and he accepted the invitation. He clarified that it was a verbal invitation. He said he knew tickets were required to attend the event, but he didn't remember getting a physical pair of tickets delivered to him. He said they could have already been waiting for him at the event, he just wasn't sure.

He advised he submitted a Quarterly Gift Disclosure Form to the COE with the tickets listed, but then submitted a second one to amend the mistake after he paid back the \$350 cost on October 8th.

He was handed a copy of the first Quarterly Gift Disclosure Form to read for the record:

***"Form 9 Quarterly Gift Disclosure (Gifts over \$100.00) – Part A – Statement of Gifts, Two VIP tickets to SunFest, Monetary Value of \$400, Given by Paul Jamieson, Date received 4/30/2014. Two tickets to NPBC Chamber 2014 Leadership Awards Dinner, Monetary Value \$350, Given by Don Hearing of Cotleur & Hearing, Date received 5/29/2014."***

He advised he signed the document and there was a "Received by Commission on Ethics" stamp dated August 28, 2014. He again advised this was the first disclosure form he submitted to the COE.

He was handed a copy of the second Quarterly Gift Disclosure Form to read for the record:

***"Form 9 Quarterly Gifts Disclosure (Gifts over \$100.00) – REVISED – Part A – Statement of Gifts, Two VIP tickets to SunFest, Monetary Value of \$400, Given by Paul Jamieson, Date received 4/30/2014."***

He advised he signed this document as well and there was a "Received by Commission on Ethics" stamp dated October 15, 2014. He confirmed the entry regarding the tickets to the 2014 Leadership Awards Dinner was not listed on the "Revised" gift disclosure. He said he omitted the entry because he had sent the money back to Hearing. Respondent said the money was sent back to Hearing by personal check.

He was handed a copy of a cashed check to read for the record:

***"A Bank of America on line banking information listing a check in the amount of \$350 made out by me personally to Don Hearing."***



He stated he was familiar with Chapter 112 as it relates to gifts from lobbyists, and knew of the 90 day time frame that was allotted by the state to return a gift if it is given by a registered lobbyist. He confirmed the monies for the tickets were returned to Hearing after that 90 day grace period.

He said when he realized he received the tickets in error; he immediately wrote the check to Hearing to cover the costs. But it wasn't realized until after the 90 day grace period was over. He said there was no attempt to keep the tickets or money, or hide the tickets in any way. Once he realized what happened he made the attempt to correct the issues, which included filing an amended disclosure form.

Respondent reiterated the check was written by him on October 8, 2014 and cashed by Hearing on October 17, 2014 at 9:34 am. He said again to his knowledge Hearing has received the money for the two tickets.

Respondent said his assistant usually handles all gifts that may come into the office and that they are very knowledgeable on what's permitted and what's not permitted. He said it was just a mistake on his part in accepting the tickets and that he probably did not realize that these tickets were coming from Hearing himself. He initially thought the tickets were coming from the Chamber directly. He said he should have checked though, but once realized the mistake; he made all attempts to correct it.

Respondent had nothing else to add to the statement, and it was concluded at 2:07 p.m.

**On Monday, January 26, 2015, at 9:58 am, I took a sworn taped statement from Mr. Donaldson Hearing at Offices of Cotleur & Hearing, 1934 Commerce Lane Suite 1, Jupiter, FL 33458. Respondent was sworn in and gave permission to be recorded. Below are the details of that interview:**

Mr. Hearing stated his full name, address, work phone number and email address for the record. He stated he was a Landscape Architect and Land Planner by trade. He said he has worked in this profession since 1982. When asked if he lobbies, he said "I guess you could call it that per the ordinance" because he meets regularly with city and county officials and city and county staff members. He said is he is listed as a Registered Lobbyist in the Palm Beach County Lobbyist Registry database.

He said his office follows strict guidelines when dealing with meetings with city and county officials. He advised they register as lobbyists on virtually every project worked on within a municipality or entity under the county. He said he was provided guidance roughly two and half years ago that if you are meeting with a staff member it is considered an act of lobbying. He said he questions that idea, but he is very careful so he registers based on each meeting held, this includes provisions written into their contracts which outline the necessity to register prior meetings with officials or staff.

He said he is familiar with the Palm Beach County Code of Ethics, but has "not taken any formal ethics training." He said he is familiar with the Palm Beach County Lobbyist Registration Ordinance, but has "not taken any formal lobbyist training." He advised one of his assistants has taken the ethics and lobbyist training, and stated that he "probably should take the training," but again he has not. He said he is not as familiar with the Gift Law and has not taken any formal training on the gift law. He said he does know that as a registered lobbyist, he can't give a gift to a public official such as a commissioner.

He said he has known Commissioner Valeche for roughly ten or twelve years, ever since Commissioner Valeche was a council member for the City of Palm Beach Gardens. He acknowledged they had a relationship prior to Respondent becoming a County Commissioner. He said he would say they were close friends.

He said he is familiar with the Northern Palm Beach County Chamber of Commerce, and that he is currently the past Chairman of Chamber. Last year (2014) he was the Chairman. He said when the Dinner occurred in May 2014, he was still the Chairman. He said he does not lobby on behalf of the Chamber. He advised his position is a volunteer position. He said he has been a member of the Chamber for 20 to 25 years.

He advised he is familiar with the NPBC Chamber 2014 Leadership Awards Dinner. He said the purpose of the dinner is to recognize various people who have provided great value, benefit and leadership to the community. He

said it is not a gathering of vendors that discuss business, but just a ceremonial recognition to selected individuals based on their service to the community. In addition, it is one of the fundraisers used by the Chamber to assist them in their role of helping our communities.

To attend the dinner, a person could purchase an individual ticket. Or such as in his case, Hearing stated since he was one of the sponsors, he was provided a table for use for any guests of his choosing. He said the Chamber actively tries to have public officials such as Congressmen, State Representatives and other elected officials attend events such as this one as a way for public officials to remain involved with what's going on in the communities they serve. He noted several public officials have attended this event in the past.

He said since he had a sponsorship and seats available at his table, he spoke with the Executive Director of the Chamber and they felt Respondent would be a good person to contact to attend the event. The invite was extended via email. Hearing said his assistant Darlene sent Respondent an email. Hearing said the actual invite was based on a collective agreement amongst the Chamber Executive Board, not necessarily just from him. He said some of the people who sat at his table he knew, others he did not know because they were invited by the collective Chamber Executive Board. He advised sponsorship is done as a means to give back, not with the intent of getting seats to invite people.

He said as a sponsor, he did not receive physical tickets to give out. So there were no tickets sent via mail or left at the door. He said he was not exactly sure of the actual cost of an individual ticket, but he believed the amount would have been \$175 per ticket. Since there was no physical ticket given to Respondent, Hearing said in order for Valeche to enter the dinner, his name had to have been on an invitation list at the door of the event with the table assignment.

I asked Hearing for a copy of the email sent to Respondent, he advised his assistant had already purged emails from that time frame months earlier and he could not recover it. He apologized.

He advised a few months after the event, someone from Respondents office called him inquiring about the ticket price for the event. They told him at that time that Respondent was writing a check to cover the cost. He said he received a check for \$350 from Respondent in the mail roughly three and half months after the event. He acknowledged he received the money outside of the 90 day window. He said he did cash the check and received the full repayment of the money. He said his assistant Darlene usually handles all of his personal gift filings and as a general rule he does not give gifts to public officials.

He again advised he viewed this event as a way for public officials to remain involved in their community. He said he serves on several civic boards and feels it is important to have a good rapport with elected officials from municipalities, county, state, etc. to interact and remain active especially when honoring people who provide exceptional service to the community. When he requested Respondent to be there, he didn't even think of it as giving a gift. He said it was actually the other way around, where Respondent helping him and the Chamber recognize the men and women that were selected to receive awards.

Hearing said the rule is the rule and he understands the process. He advised he will definitely be more careful in future and said he thought the Commissioner's office had every intention of repaying the tickets and thought they just apparently missed it in their filing. He said there was no malicious intent to hand out a gift. This whole incident was just an apparent oversight.

Hearing had nothing else to add to the statement, and it was concluded at 10:15 am.

- **Summary of Investigation**

In order to find a violation of §2-444(a)(1) *Gift Law*, it would have to be established that Respondent did take an improper gift from an individual found to be a Registered Lobbyist who lobbies either the Respondent or an entity the Respondent represents. In addition, to be a violation this gift must exceed the allowed \$100 limit as outlined in §112.3148 *Reporting and prohibited receipt of gifts*, and §2-444(a)(1) of the PBC Code of Ethics.

A search of the Palm Beach County Lobbyist Registration database shows Mr. Donaldson Hearing is a Registered Lobbyist for the firm Cotleur & Hearing. Within the database, Hearing has several entries which show he lobbies both County and City officials and employees on behalf of several his clients.

Based on statements given from both Respondent and Hearing, Respondent was contacted by Hearing to attend the 2014 Leadership Awards Dinner facilitated by the Northern Palm Beach County Chamber of Commerce. Respondent accepted the invitation. The cost of the event was \$175 per ticket. Respondent accepted two tickets to the event at a total cost of \$350, which is above the \$100 limit based on the Gift Law.

Respondent attended the event on May 29, 2014. He filed a Quarterly Gift Disclosure Form which listed him receiving the two tickets to the 2014 Leadership Awards Dinner from Don Hearing of Cotleur & Hearing, which was received in the COE on August 28, 2014. On October 15, 2014, the COE received an "amended" Quarterly Gift Disclosure Form from Respondent. The entry listing the two tickets to the Awards Dinner were left off the resubmitted document.

In addition to the amended form, Respondent sent a letter to COE Executive Director stating he inadvertently accepted two tickets from a "Registered Lobbyist" and a copy of a check for \$350 written to Don Hearing from Respondent as "repayment" for the tickets. Respondent advised he repaid the tickets once he realized he had accepted them in error. He advised he thought the tickets were coming directly from the Chamber not Hearing himself.

In Hearings statement, he did advise he contacted Respondent and invited him to sit at his table. Although Don Hearing sent the invitation, he advised it was a collective Chamber Executive Board decision, as he was the Chairman of the Chamber Executive Board at the time.

Upon review of all submitted documentation, information provided by the Respondent and information learned through sworn statements, Respondent did accept prohibited gift based on the definition listed in §2-444 of the Code and §112.3148. In addition, according to §112.3148 *Reporting and prohibited receipt of gifts*, a public official is allotted 90 days to return a prohibited gift. Although Respondent did in fact repay the tickets, they were repaid outside the 90 day window that is allowed based on the law.

The investigation is concluded at this time.

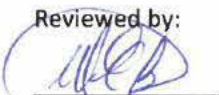
Submitted by:



Anthony C. Bennett  
PB County Commission on Ethics

1/29/2015  
Date

Reviewed by:



(Initials)

1/29/2015  
Date



(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, 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.



**ACKNOWLEDGEMENT OF RECEIPT  
PALM BEACH COUNTY CODE OF ETHICS  
TRAINING FOR COUNTY EMPLOYEES  
AND ELECTED OFFICIALS\***

Legal Name: HAL R. VALECHHE (Please print clearly)  
Employee Identification Number: 28619  
Department: BCC

**Check those items that apply**

I acknowledge that I have read a copy of the Palm Beach County Code of Ethics (printed or posted on the intranet/internet) and completed additional training by:

- ☒ Watching the Code of Ethics Training Program on the Intranet/Internet.  
☐ Watching the Code of Ethics Training Program on DVD.  
☐ Attending a live presentation given on \_\_\_\_\_, 20\_\_.

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. 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.

Hal R. Valechhe  
(Legal Signature)

11/25/12  
(Date)

**Employees: Submit signed form to your Department Head**

**Department Heads: Submit signed forms to Records, Human Resources**

**\*This Form is for County Employees and Elected Officials  
Only – County Advisory Board Member Forms may be  
obtained from your Advisory Board Liaison\***

2633 Vista Parkway, West Palm Beach, FL 33411 561.233.0724 FAX: 561.233.0735

Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)

Website: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)



P.O. Box 1989  
West Palm Beach, FL 33402-1989  
(561) 355-2001  
FAX: (561) 355-3990  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Priscilla A. Taylor, Mayor  
Paulette Burdick, Vice Mayor  
Hal R. Valeche  
Shelley Vana  
Steven L. Abrams  
Mary Lou Berger  
Jess R. Santamaria

**County Administrator**

Robert Weisman

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

October 8, 2014

Mr. Steven P. Cullen, Esq.  
Executive Director  
Palm Beach County Commission on Ethics  
300 N. Dixie Highway, #450  
West Palm Beach, FL 33401

Dear Mr. Cullen:

It has recently come to my attention that on May 29, 2014, I inadvertently accepted two tickets from Don Hearing, for the Northern Palm Beach Chamber's 2014 Leadership Awards Dinner.

Mr. Hearing is a registered lobbyist. I have since sent Mr. Hearing a check in the amount of \$350 to cover the cost of the tickets. I would be happy to furnish you a copy of the check upon request. I filed the Quarterly Gift Disclosure listing this gift with your office on August 27, 2014.

I sincerely apologize for this oversight and I can assure you that it will not happen again.

Sincerely,

Hal R. Valeche  
County Commissioner



Join the Northern Palm Beach County  
Chamber of Commerce at the

# 2014 Leadership Awards Dinner

Presented by Roger Dean Stadium

**Thursday, May 29th**

**6:00 pm - Cocktail Reception & Silent Auction**

**7:00 pm - Dinner & Awards**

**PGA National Resort & Spa**

400 Avenue of the Champions  
Palm Beach Gardens, FL 33418

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Honoring the

## 2014 Award Recipients

**Gaeta Chairman's Award of Excellence**  
Michele Jacobs, The Forbes Company

**Business of the Year**  
Lockheed Martin Corporation

**Community Leader of the Year**  
Patrick Rooney, Jr.

**Small Business of the Year**  
Loggerhead Fitness

**Non-Profit of the Year**  
Place of Hope

**Young Professional of the Year**  
Jennifer Sardone-Shiner

**Board of Directors Special Recognition**  
The City of Riviera Beach and the Riviera Beach CRA

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Online Banking

## Regular Checking - 2435: Account Activity Transaction Details

Check number: 00000001993

Post date: 10/17/2014

Amount: -350.00

Type: Check

Description: Check

<b>HAL R VALECHE</b> 128 VIERA DR PALM BEACH GARDENS, FL 33418-1741		10/18/14	1993
Pay To The Order Of <u>Don Hearing</u>		Date	63-4630 FL 23288
<u>Three hundred fifty and 00/100</u>		\$ 350.00	
<b>Bank of America</b>		Dollars	
ACH R/T 083100277			
For _____		<u>Hal R Valeche</u>	

Handed Over

TR:30 37-341	10/17/14 09:34 AM
Customer	



Revised

# Form 9

## QUARTERLY GIFT DISCLOSURE (GIFTS OVER \$100)


LAST NAME -- FIRST NAME -- MIDDLE NAME: Valeche, Hal R.			NAME OF AGENCY: Palm Beach County Board of County Commissioners	
MAILING ADDRESS: 301 N. Olive Avenue, 12th Floor			OFFICE OR POSITION HELD: County Commissioner	
CITY: West Palm Beach, FL	ZIP: 33401	COUNTY: Palm Beach	FOR QUARTER ENDING (CHECK ONE): <input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input checked="" type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER	
			YEAR 2014	

### PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT
4/30/2014	Two VIP tickets to SunFest	\$400	Paul Jamieson Executive Director	525 Clematis Street WPB, FL 33401

☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET


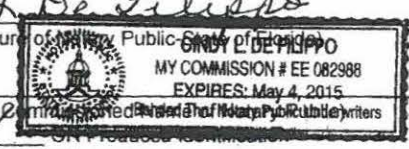
RECEIVED  
OCT 15 2014  
Commission on Ethics  
by: 

### PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

### PART C — OATH

I, the person whose name appears at the beginning of this form, do depone on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.   SIGNATURE OF REPORTING OFFICIAL	STATE OF FLORIDA COUNTY OF <u>Palm Beach</u> Sworn to (or affirmed) and subscribed before me this <u>14th</u> day of <u>October</u> , 20 <u>14</u> by <u>Hal R. Valeche</u> <u>Cindy L. DeFilippo</u> (Signature of Notary Public)  (Print, Type, or Stamp) Personally Known <input checked="" type="checkbox"/> Type of Identification Produced _____
---	--

### PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)



PALM BEACH COUNTY COMMISSION ON ETHICS  
**PROBABLE CAUSE RECOMMENDATION**

To: Commission on Ethics  
From: Sarah Shullman, Volunteer Advocate  
Re: C15-001, Hal Valeche – Palm Beach County Board of County Commissioners

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- **Recommendation**

A finding of PROBABLE CAUSE should be entered in the above captioned matter 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 conclude that the Respondent, Hal Valeche, violated the Palm Beach County Code of Ethics (Code of Ethics).*

- **Jurisdiction and applicable law**

The 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 on 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.

The applicable portion of the Code of Ethics that is relevant is Article XIII, Section 2-444(a)(1), *Gift law*, which states in relevant part: "No county commissioner. . . shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable."

- **Background**

This matter came to the attention of the COE staff via a State of Florida Quarterly Gift Disclosure Form (Form 9) that was signed and a copy submitted to the COE by Respondent, Hal Valeche, Palm Beach County Commissioner. The copy of the Form 9 was received in the COE office on August 28, 2014. The form listed a gift of two tickets to the NPC Chamber 2014 Leadership Awards Dinner with a monetary value of \$175 each. This gift was received on May 29, 2014, from Don Hearing of Cotleur & Hearing. According to the Palm Beach County Lobbyist Registry, Don Hearing is a Registered Lobbyist under the name Donaldson Hearing for the lobbying firm Cotleur & Hearing, Inc.

The general issue indicated in the complaint is:

Whether Respondent knowingly accepted an improper gift from a person that he knows, or should know, is a lobbyist who lobbies Palm Beach County, in violation of Section 2-444(a)(1) of the Code of Ethics.

- **Facts establishing probable cause for a violation of Section 2-444(a)(1), Gift law**

All information from the Memorandum of Inquiry, Legal Sufficiency Determination and supporting documents as well as the Investigative Report and supporting documents are adopted by reference into this Probable Cause Recommendation.

The investigation revealed that Respondent knowingly accepted an improper gift from a person that he knows, or should know, is a registered lobbyist who lobbies Palm Beach County.

Respondent is an elected official; he was elected to the Palm Beach County Commission Seat 1, District 1, in November 2012. Donaldson Hearing is a Registered Lobbyist for the firm Cotleur & Hearing. The Palm Beach County Lobbyist Registry database shows that Hearing lobbies Palm Beach County, Palm Beach County officials, and Palm Beach County employees on behalf of several clients. Respondent also stated that he knew Hearing was a lobbyist that lobbies Palm Beach County.

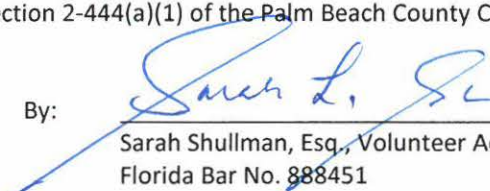
Sworn statements from both Respondent and Hearing show that Respondent was contacted by Hearing to attend the 2014 Leadership Awards Dinner facilitated by the Northern Palm Beach County Chamber of Commerce. Respondent accepted the invite. The cost of the event was \$175 per ticket. Respondent accepted two tickets to the event at a total cost of \$350, which is above the \$100 limit allowed in Section 2-444(a)(1) of the Code of Ethics. Respondent attended the event on May 29, 2014. He filed a Form 9 with the state, listing the two tickets to the 2014 Leadership Awards Dinner from Don Hearing of Cotleur & Hearing. A copy of the Form 9 was received by the COE on August 28, 2014.

On October 15, 2014, the COE received an "amended" Form 9 from Respondent. The entry listing the two tickets to the Awards Dinner were left off the resubmitted document. However, the investigation revealed that Respondent did not return the prohibited gift or repay the cost of the gift that exceeded the \$100 threshold to the donor within the 90 days allotted by Section 112.3148, Florida Statutes. The date of the event was May 29, 2014. Either the tickets or the cost of the tickets should have been returned to Hearing by August 27, 2014, which marks the end of the 90-day window. Although Respondent repaid the cost of the tickets to Hearing, they were repaid outside the 90-day window.

- **Conclusion**

Respondent's own sworn testimony and other competent and substantial evidence provides reasonably trustworthy facts and circumstances for the Commission on Ethics to conclude that the Respondent, Hal Valeche, knowingly accepted an improper gift from a registered lobbyist who lobbies Palm Beach County, in violation of Section 2-444(a)(1) of the Palm Beach County Code of Ethics.

By:

  
Sarah Shullman, Esq., Volunteer Advocate  
Florida Bar No. 888451

1/30/15  
Date



# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, *Chair*

Michael S. Kridel, *Vice Chair*

Michael F. Loffredo

Carmine A. Priore

Clevis Headley

## Executive Director

Steven P. Cullen

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## Negotiated Settlement

In Re: Hal Valeche

C15-001

Pursuant to section 2-260(d) of the Palm Beach County Commission on Ethics Ordinance, the Commission *may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of the county*. Commission on Ethics Rules of Procedure 6.16 permits the COE Advocate to enter into settlement negotiations and present proposed agreements to the Commission for consideration and approval. Advocate and Respondent do hereby submit the following settlement agreement in the above captioned matter based upon the following terms and conditions:

1. Respondent, Hal Valeche, believes it preferable to avoid the expense and time of litigation in this matter, and he desires to resolve without litigation the issues contained in the Advocate's probable cause recommendation. Accordingly, Respondent admits he accepted a gift that had a stated price (value) of \$350 from a person he knows, or should know, to be a lobbyist who lobbies Palm Beach County. The acceptance of the gift may be in violation of Section 2-444(a)(1) of the Code of Ethics. Respondent believes that the alleged violation was unintentional and inadvertent. Respondent voluntarily repaid the entire cost of the gift before any notification from, or action by, the Commission, but he did not do so within the 90 days allotted by Section 112.3148, Florida Statutes.
2. Pursuant to this Proposed Settlement Agreement, the Commission on Ethics agrees to issue a Letter of Instruction as prescribed under section 2-448(b) of the Palm Beach County Code of Ethics, believing that the public interest would not be served by proceeding further and that the alleged violation was inadvertent and unintentional.
3. This Proposed Settlement Agreement embodies the entire agreement of the parties respecting the subject matter herein. There are no promises, terms, conditions or obligations other than those contained in this Proposed Settlement Agreement.
4. This Proposed Settlement Agreement supersedes any and all previous communications, representations, and offers, either verbal or written, between the Advocate and Respondent. By signing this document, Respondent acknowledges that he is doing so freely, voluntarily and without duress; that he is competent to enter this agreement; that he has been given the opportunity to review this Proposed Settlement Agreement with an attorney; and that he has fully and completely read and understands the terms and conditions herein.




5. Advocate and Respondent agree that settlement of this action in the manner described above is just and in the best interest of the Respondent and the citizens of Palm Beach County.
6. Evidence of this offer of compromise and settlement is inadmissible to prove any of the allegations alleged.
7. Respondent understands and agrees that **NO OFFER IS FINAL UNTIL ACCEPTED BY THE COMMISSION ON ETHICS.**

  
\_\_\_\_\_  
Sarah Shullman, Esq.  
Volunteer Advocate

3/5/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Hal Valeche,  
Respondent

3/5/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John Mariani, Esq.  
Respondent's Attorney

3/5/15  
\_\_\_\_\_  
Date