



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 (Person bringing Complaint) Add pages, if necessary.

Please list all information where you would like to be contacted. Our preference is email.

Name: Dennis Lipp E-Mail: d_lipp@comcast.net
Address: 13402 North Rd
City: Loxahatchee Groves Zip: 33470
Home #: 561-596-6357 Work #: 561-596-6357 Cell #: 561-596-6357

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

Please provide as much information as possible.

Name: James (Jim) Rockett E-Mail: j_rockett@bellsouth.net
Address: 14155 43rd Rd North
City: Loxahatchee Groves Zip: 33470
Home #: 561-793-3675 Work #: 561-795-5567 Cell #:
Title/Office Held or Sought: Town Councilman

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

☒ Allegation is against person in
County/Municipal 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.

Dennis Lipp
Signature of Person Making Complaint

STATE OF FLORIDA

COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me
this 1 day of April, 2015 by

Dennis Lipp
(Name of Person Making Statement)

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

Florida Drivers License

Samantha M Hanley
(Signature of Notary Public, State of Florida)

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

RECEIVED

APR 7 2015

Commission on Ethics
by: [Signature]



SAMANTHA M. HANLEY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF145199
Expires 7/27/2018

The Town of Loxahatchee Groves ("the Town") is a relatively small rural community in Palm Beach County Florida. The Town has a Town Council that is comprised of five councilpersons, including the Mayor. The Town holds elections for two council seats in March according to Section 7 (3)(b) of its Charter. The Charter also provides for a Canvassing Board, Section 7 (5). The members of the Canvassing Board for the March 10, 2015 election were Mayor Dave Browning, Councilman Tom Goltzené, Town Clerk Janet Whipple and Councilman Jim Rockett.

This past March 10, 2015, the Town conducted its elections for Council Seat 1 and Council Seat 3. The contest for Council Seat 3 was between Mr. Ryan Liang, the incumbent and Mr. Keith Harris, the challenger. Mr. Liang's finance manager for his campaign was Philomena Liang a/k/a Philomena Liu ("Ms. Liang"). In connection with his candidacy, Mr. Liang secured the endorsement of Mr. Jim Rockett. Mr. Rockett is a sitting Town Councilman for the Town and a member of the Canvassing Board. Mr. Rockett's endorsement was made and listed on Mr. Liang's website, www.voteliang.com. In addition, and on many occasions, Mr. Rockett would accompany Ms. Liang (the candidate's mother and member of his campaign team) to promote the candidacy of Mr. Liang. In fact, Mr. Rockett sat with the Ryan Liang campaign in their tent just outside the polling location to promote the candidacy of Ryan Liang. Mr. Rockett and his wife also contributed (\$250.00 each) to Mr. Liang's campaign.

The Allegations of voter fraud concerning the activity of Ms. Liang and Mr. Rockett came to the attention of Mr. Harris on March 9, 2015, the eve of the election. Loxahatchee Groves resident William Ford, Esq informed Mr. Harris that he and his wife had received absentee ballots for the March 10th election. Mr. Ford also informed Mr. Harris that neither he nor his wife had ordered absentee ballots. On March 7th, Ms. Liang and Mr. Rockett came to Mr. Ford's home. The purpose of their visit was to help the Ford's with their candidate selection and to pick-up the absentee ballot. The Ford's refused their offer. Mr. Ford reported the felonious absentee ballot issue to the Supervisor of Elections, who then referred the alleged fraud to the appropriate law enforcement agency. The Palm Beach Post has reported on the felonious absentee ballot issue in their March 12th, 13th, 17th, 18th, 19th, 20th, and 28th (2015) issues.

On the evening of the election, the Canvassing Board was present at the supervisor of election's office to make determinations on under/over voting. At that meeting, Mr. Rockett made: 1) No disclosure as to his endorsement of Mr. Liang; 2) Made no comment concerning his campaigning for Mr. Liang; 3) Made no comment concerning his accompanying Ms. Liang to "collect" ballots; 4) Made no mention of the fact that he contributed money to Mr. Liang's campaign; 5) Made no mention about the allegations made by Mr. Ford concerning a potential impropriety in the procurement of absentee ballots by Ms. Liang; 6) Made no mention that he collected any absentee ballots; 7) Made no motion to disqualify himself from the Canvassing Board; and 8) Did not recuse himself from the decision to certify the election.

The Canvassing Board certified the election on March 17, 2015. At the certification a majority vote of 3 votes were needed to certify the election. The vote was as follows: Mr. Browning voted to certify; Ms. Whipple voted to certify; and Mr. Goltzené voted against certification. Mr. Rockett was the deciding vote to certify the election results.

Mr. Rockett's conduct constitutes a violation of Town Charter Section 7(g) which specifically states that "The election laws of the state shall apply to all elections." Section, 102.141 FS, precludes any member of the Canvassing Board to be an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. When Mr. Rockett took office he swore an oath to "... support, protect, and defend the Constitution and Government of the United States and of the state, and the charter of the Town of Loxahatchee Groves". Mr. Rockett has misused his public office and is in violation of the Code of Ethics.

RYAN LIANG

Positive, Constructive, Team Player

What Has Ryan Done?

Kept Taxes Low

- Voted to keep taxes the lowest in Palm Beach County – five years in a row
- Voted "No" to proposed Referendum allowing Town to borrow money without spending limits
- Voted to purchase Chamber Building, a unique opportunity - buying is cheaper than renting

Roads

- Supports modification of speed humps
- Voted to competitively bid for rotating grading of Town Roads
- Voted to make major repairs/resurfacing of three high traffic Town Roads
- Worked to obtain funding for OGEM stabilization of South B Rd. – at no cost to residents
- Met with Palm Beach County Commissioners, Traffic Engineers to obtain funding for Traffic Light at D Rd and Okeechobee. Now it is free

Town Administration

- Supported the hiring of new Town Management, with clearer responsibilities, improved services, and accountability
- Actively encouraged and obtained citizen input and involvement

Palm Beach State College

- Worked with members of our legislative delegation to obtain Funding for College
- To open doors May 2016, making college more affordable & accessible for our residents

RYAN LIANG

Positive, Constructive, Team Player

Who is Ryan Liang?

Experienced Community Leader

- Two Term Councilman Town of Loxahatchee Groves
- Experienced Businessman
- Applies Best Management Practices
- Town Council's representative to the Palms West Economic Council of PBC
- Town Council's representative to the League of Cities
- Certified Arborist
- Active family farming in Loxahatchee Groves for over 15 years
- Problem Solver
- Calm, even keeled
- Concerned about the Well-Being of Loxahatchee Groves
- Loves fishing, scuba diving, and water polo
- Gourmet chef

Ryan Cares About Our Community

**Remember to Vote
Tuesday, March 10th!**
Palms West Presbyterian Church
13689 Okeechobee Blvd.
Loxahatchee, FL 33470

Website: VoteLiang.com
E-mail: voteliang@gmail.com
Phone: 561-202-4613

4245 148th Terrace North
Loxahatchee Groves, FL 33470

Political Advertisement paid for and
approved by Ryan Liang Campaign for
Town Council Seat #3

RYAN LIANG

Positive, Constructive, Team Player



Re-Elect *Ryan Liang*

for

Loxahatchee Groves Town Council Seat 3

March 10th, 2015

Ryan's
"Special Interest" is
**Loxahatchee
Groves**

VoteLiang.com

RYAN LIANG

What Has Ryan Done?

Equestrian/Recreational Trails

- Worked extensively to gain support for and approval of a bill that will allow the Town to qualify for state grants
- Voted to establish a Committee to facilitate establishment of Recreational Trails
- Voted to fund surveys enabling the Town to qualify for grants for recreational/equestrian trails

Insurance Cost Reductions

- Worked with Town Staff, LGWCD, PBC and neighboring communities to have proposed FEMA flood elevations raised by ½ foot. This should reduce insurance costs for many property owners

Ryan Cares

- Understands residents' frustration with in-fighting and paralysis



Endorsements

Professional Firefighters/Paramedics of Palm Beach County, Inc. IAFF Local 2928

Melissa McKinlay, Commissioner

Board of County Commissioner, Palm Beach County

Vice Mayor Ron Jarriel

Loxahatchee Groves Town Council

Jim Rockett, Councilman

Loxahatchee Groves Town Council

Bill Louda, PhD.

Research Professor, Florida Atlantic University

Former Loxahatchee Groves Town Council

RYAN LIANG

Positive, Constructive, Team Player

VoteLiang.com

Objectives

- Protect the diverse rural character of our community
- Support agricultural and equestrian activities
- Understands the needs and dynamics of our working Community
- Make Council Decisions in the best interests of all our residents
- Put surplus funds back into improving the community
- Support Recreational/Equestrian Trails to enhance the Town with the help of GRANT \$
- Ensure Okeechobee Road Plan is consistent with rural parkway
- Support modification/reduction of speed humps
- Enforcement of manure ordinance to protect water quality and our environment
- Establish a Road Policy
- Establish a Drainage Policy

We Need Your Vote!



CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name RYAN LIANG (2) I.D. Number _____

(3) Cover Period 1/01/15 through 1/31/15 (4) Page 2 of 2

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number						
1, 15, 15	PALM BEACH CTY. FIREPAC PC 2328 S. Congress Ave Suite 2C W.P.B., FL 33406	F Fireman Pott. Co Comm. Tre	CHE			\$ 500
8						
1, 23, 15	Kevin Chiu 3370 BRD Lox., 33470	I Invest Banker	CHE			\$ 50
9						
1, 14, 15	Margaret Lefkowitz 3485 DRD LOX 33470	I Nurse	CHE			\$ 100
10						
1, 14, 15	Levy Lefkowitz 3485 DRD LOX 33470	I Technologist	CHE			\$ 100
11						
1, 18, 15	Nancy Rokett 14155 43 Rd N LOX 33470	I Technology Instructor	CHE			\$ 250
12						
1, 18, 15	Jim Rokett 14155 43 Rd N LOX 33470	I Retired	CHE			\$ 250.
13						
1, 1						

PALM BEACH COUNTY COMMISSION ON ETHICS

LEGAL SUFFICIENCY DETERMINATION

To: The Palm Beach County Commission on Ethics
From: Steven P. Cullen, Executive Director
Re: C15-010 – James Rockett, Councilman, Loxahatchee Groves

- **Background**

This matter came to the attention of the Palm Beach County Commission on Ethics (COE) through a sworn complaint by Dennis Lipp dated April 1, 2015. Attached to the complaint form, which names James Rockett as the Respondent is a one page supporting statement. The complainant alleges that the respondent is a Town Councilman and also a member of the Canvassing Board for the March 10, 2015 election pursuant to the Town Charter. Lipp alleges that Rockett supported and contributed to the campaign of Ryan Liang in that election. Because Rockett sat on the Canvassing Board which certified the election results, Lipp maintains that these actions by Rockett violate the Town Charter and FS102.141. He also alleges that there were election irregularities concerning absentee ballots.

Lipp further alleges that Rockett "...misused his public office and is in violation of the Code of Ethics." The only factual allegations made in support of this claim is that he voted, as a member of the Canvassing Board, to certify Liang as the winner of the election when he "...made :1) No disclosure as to his endorsement of Mr. Liang; 2)Made no comment concerning his campaigning for Mr. Liang; 3)Made no comment concerning his accompanying Ms. Liang to "collect" ballots; 4) Made no mention of the fact that he contributed money to Mr. Liang's campaign; 5)Made no mention about the allegations made by Mr. Ford concerning a potential impropriety in the procurement of absentee ballots by Ms. Liang; 6) Made no mention that he collected any absentee ballots; 7)Made no motion to disqualify himself from the Canvassing Board; and 8) Did not recuse himself from the decision to certify the election."

- **Finding**

There is no cognizable violation of the Code of Ethics (Code) established with regard to the matters of alleged election-related legal violations. Violations of the Town Charter or Florida law are either civil or criminal matters within the jurisdiction of a court.

Similarly, although Lipp alleges that Rockett voted improperly as a member of the Canvassing Board for 8 enumerated reasons, there is not a single allegation that this vote resulted in a "special financial benefit" to anyone. Rather, the allegations are that Rockett voted to certify an election in which he allegedly supported and assisted the candidacy of one of the candidates.

Sec. 2-443. Prohibited conduct.

- (c) ***Disclosure of voting conflicts.*** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7). The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.

Finally, although Lipp alleges that Rockett voted improperly as a member of the Canvassing Board for the 8 enumerated reasons, there are no allegations that he did so with "corrupt intent" within the meaning of Section 2-443(b). That is, there is no claim that the vote resulted from wrongful intent for the purpose of obtaining or compensating or receiving compensation for any benefit. Rather, the allegations are that Rockett voted to certify an election in which he allegedly supported and assisted the candidacy of one of the candidates.

Sec. 2-443. Prohibited conduct.

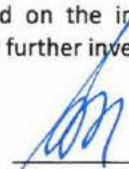
- (b) **Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. 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.

Even if the allegations as stated in the Complaint are true, they do not constitute a violation of any Section of the Code.

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.

Therefore, based on the information listed in the Complaint and supporting statement, there is **NO LEGAL SUFFICIENCY** for further investigation.

BY:



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

4/9/2015

Date