

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS
PALM BEACH COUNTY, FLORIDA**

APRIL 16, 2018

**MONDAY
2:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Sarah L. Shullman, Chair
Bryan Kummerlen, Vice Chair – Absent
Peter L. Cruise
Michael S. Kridel
Rodney G. Romano

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Anthony C. Bennett, COE Chief Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Victoria Torres, Deputy Clerk, Clerk & Comptroller's Office

RECESS

At 2:31 p.m., the chair declared the meeting recessed for an executive session.

III. EXECUTIVE SESSIONS

RECONVENE

At 3:30 p.m., the meeting reconvened, and at Chair Shullman's request for a roll call, Commissioners Cruise, Kridel, and Romano were present.

III.a. C17-038

Commissioner Cruise read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaints on October 4, 2017, alleging that Respondent, Susan Haynie, a City of Boca Raton official, violated §2-443(a) and §2-443(c) of the Palm Beach County Code of Ethics by voting on and participating in matters that gave a special financial benefit to a customer or client of her outside business.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 2018, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation, and the statements of the Advocate and Respondent's counsel. The Commission then tabled their probable cause determination until a later date. On April 16, 2018, the Advocate and Respondent entered into a negotiated settlement wherein Respondent admits to participating in a voting on matters that gave a special financial benefit to a customer or client of her outside business.

III.a. – CONTINUED

On April 16, 2018, the Advocate and Respondent's counsel presented a negotiated settlement to the Commission. Pursuant to Section 2-260.3 of the Commission of Ethics Ordinance, the Commission approved the negotiated settlement, found that probable cause existed, and issued a Letter of Instruction. The Commission determined that the violations were unintentional or inadvertent because Respondent maintains that the City Attorney advised her that she did not have any voting conflicts on the matters.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Susan Haynie, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 16, 2018.

By: Sarah L. Shullman, Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

III.b. C17-039

Commissioner Cruise read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on November 2, 2017, alleging possible ethics violation involving that Respondent, Susan Haynie, a City of Boca Raton official.

The complaint alleges two Palm Beach County Code of Ethics violations involving misuse of official position and failure to disclose voting conflicts.

III.b. – CONTINUED

Count 1 alleges that on or about December 8, 2015 and June 13, 2017, Respondent violated Article XIII, Section §2-443(a), *Misuse of public office or employment*, of the Palm Beach County Code of Ethics using her official position as the Mayor for the City of Boca Raton to give a special financial benefit to a customer or client of her outside business.

Count 2 alleges that on or about December 8, 2015 and June 13, 2017, Respondent participated in and voted on matters that gave a special financial benefit to a customer or client of her outside business, which is in violation of Article XIII, Section §2-443(c), *Disclosure of voting conflicts*, of the Palm Beach County Code of Ethics.

On November 2, 2017, the complaint was determined by staff to be legally sufficient.

On April 16, 2018, prior to a Probable Cause Hearing, Respondent and Advocate submitted a negotiated settlement including a letter of reprimand to the COE for approval.

In accordance with the Negotiated Settlement, Count 1, *Misuse of public office or employment*, is dismissed.

Further, Respondent stipulates to the facts and circumstances pertaining to Count 2, *Disclosure of Voting Conflicts* and admits that she violated §2-443(c) of the Palm Beach County Code of Ethics. Respondent agrees to accept a Letter of Reprimand and pay a fine for the amount of five hundred (\$500) dollars.

Pursuant to Commission on Ethics Ordinance §2-260.1(h), *Public hearing procedures*, the Commission finds that there is insufficient evidence provided at this time to determine whether the violation in Count 2 was INTENTIONAL OR UNINTENTIONAL, and therefore makes no finding. Accordingly, the Commission issues a Letter of Reprimand to the Respondent and assesses a five hundred (\$500) dollar fine.

III.b. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED THAT this matter is concluded upon the dismissal of Count 1: §2-443(a), *Misuse of public office or employment*, and the issuance of a Letter of Reprimand and five hundred (\$500) dollar fine for Count 2: §2-443(c), *Disclosure of voting conflicts*.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on this 16th day of April, 2018.

By: Sarah L. Shullman, Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)


IV. COMMISSION COMMENTS

Commissioner Romano suggested that, for future reference, the COE should tighten the language and discuss policy changes to offer legal counsel better guidance and make the process more efficient without lose ends.

V. ADJOURNMENT

At 3:38 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair