

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

DECEMBER 12, 2019

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER**
- II. ROLL CALL**

MEMBERS:

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

STAFF:

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

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

- III. INTRODUCTORY REMARKS – None**
- IV. APPROVAL OF MINUTES FROM NOVEMBER 7, 2019**

MOTION to approve the November 7, 2019 minutes. Motion by Peter Cruise, seconded by Michael Kridel, and carried 4-0. Rodney Romano absent.

RECESS

At 1:31 p.m., the chair declared the meeting recessed for an executive session.

(CLERK'S NOTE: Commissioner Romano joined the meeting.)

V. EXECUTIVE SESSION FOR C19-004

RECONVENE

At 2:15 p.m., the meeting reconvened, and at Chair Shullman's request for a roll call, Vice Mayor Kummerlen and Commissioners Cruise, Kridel and Romano were present.

Vice Chair Kummerlen read the following Public Report and Final Order of Dismissal:

Complainant, Christopher Davey, filed the above referenced complaint on May 21, 2019, alleging Respondent, Ryan Boylston, violated §2-443(a), *Misuse of public office or employment*, §2-443(b), *Corrupt misuse of official position*, and §2-443(c), *Disclosure of voting conflicts*, of the Palm Beach County Code of Ethics while serving as a Delray Beach Downtown Development (DDA) board member by voting on the annual budget for the DDA, which included funding for advertisements with a newspaper in which Respondent had an ownership interest.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics (COE) Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On December 12, 2019, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and Respondent, the COE concluded that probable cause does not exist to believe any violations occurred. The evidence showed that Respondent was not a member of the DDA at the time of the 2017/2018 DDA budget meeting and the vote on the 2016/2017 DDA budget occurred outside the COE's 2-year statute of limitations.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Ryan Boylston, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on December 12, 2019.

By: Sara L. Shullman, Chair

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

VI. PROCESS ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. Request for Opinion (RQO) 19-021

VI.b. RQO 19-022

MOTION to approve the consent agenda. Motion by Rodney Romano, and seconded by Peter Cruise.

Mark Bannon, Coe Executive Director, said that public comment on RQO 19-022 could be presented at this time.

PUBLIC COMMENT: Norman Ostrow.

Responding to Mr. Bannon, Mr. Ostrow said that it would be difficult for the Town of Lake Clarke Shores (Town) manager to hold outside employment or have an outside business because the position was considered to be held 7 days a week, 24 hours a day. He added that if the Town manager did hold outside employment or have an outside business, it would have to be conducted while on leave time.

Mr. Bannon stated that:

- The matter was more of a policy issue, and the opinion letter did not did not reflect or state Mr. Ostrow's beliefs.
- Town managers with steady working schedules may need to be available for emergencies that took priority over their outside businesses.

- It was within the Town's right to have a policy regarding outside employment or business ownership for its employees or Town manager.

Mr. Ostrow said that he wanted to address the exception because the COE's opinion could be binding.

Mr. Bannon clarified that it would be binding unless a Town policy overrode the previously mentioned work hours.

Chair Shullman said that the last sentence before the legal basis in the opinion letter reminded the requester that as a Town employee, he must comply with the Town's rules regarding outside employment or business ownership.

UPON CALL FOR A VOTE, the motion carried 5-0.

VII. ITEMS PULLED FROM CONSENT AGENDA – None

VIII. EXECUTIVE DIRECTOR COMMENTS

VIII.a.

DISCUSSED: Happy Holidays and Proposed Changes to the COE Ordinance.

Mr. Bannon wished everyone a happy and safe holiday season, and he added that:

- Proposed changes to the COE ordinance, the Code of Ethics, and the lobbyist registration ordinance were almost completed.
- Staff discussed the changes with the County Attorney's Office and the Palm Beach County League of Cities.
- The County Administrator's Office was reviewing the changes for any fiscal impact that the changes may cause.
- The changes should be back to the COE by early January 2020.
- Once the COE discussed the changes and voted to send them to the Board of County Commissioners (BCC), the item would be placed on a BCC agenda for approval to form a drafting committee.

- After draft committee review, the changes would be sent back to the COE and subsequently to the BCC for finalization.
- The changes were the most significant since 2011, when municipalities were included in the ordinance.

VIII.b.

DISCUSSED: Council on Government Ethics Law Conference.

He and Investigator Mark Higgs would be attending the Council on Government Ethics Law Conference in the City of Chicago this weekend until Wednesday, December 18, 2019.

IX. COMMISSION COMMENTS

IX.a.

DISCUSSED: 2020 Regional High School Ethics Bowl.

Commissioner Cruise said that the 2020 Regional High School Ethics Bowl would be held at Florida Atlantic University on Saturday, January 18, 2020. He added that judges were needed for the competition, and increased scholarship money would be awarded.

X. PUBLIC COMMENTS – None

XI. ADJOURNMENT

At 2:24 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/ice Chair