

ETHICS BULLETIN

SUMMER 2015 EDITION



Palm Beach County Commission on Ethics

Michael S. Kridel, Chair
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(Vacant)

****NEW ADVISORY OPINION DATABASE****

The Palm Beach County Commission on Ethics (COE) has published over 350 advisory opinions since its inception. All of the published opinions can be found on our website's [new advisory opinion database](#).

RECENT COMPLAINTS

C14-008: A municipal employee admitted violating the *Honesty in Applications for Positions* section of the Code of Ethics (code) by omitting or providing false information on her employment application with her public employer and by knowingly withholding information about wrongdoing in connection with her past employment. The COE found that the violation was intentional and ordered a \$500 fine.

C15-016: An elected official violated the *Disclosure of Voting Conflicts* section of the code by participating in discussions on a matter when he believed he had a conflict of interest

concerning that matter. The COE held that because the official believed he had a voting conflict on the matter before him, he was required to abstain from voting and not participate in the matter, publically disclose the nature of the conflict, file a completed State of Florida Commission on Ethics Conflict Form 8B with the person responsible for recording the minutes, and file a copy of the completed form simultaneously with the COE. The COE issued a Letter of Instruction and dismissed the case.

RECENT ADVISORY OPINIONS

The full opinions are available on our website.

RQO 15-019: Misuse of Office

An elected official asked if the code allows her to use personal funds to place display advertisements in local newspapers wishing her constituents a great summer or a happy and safe holiday season.

ANSWER: The code does not prohibit an elected official from using her name and official title on a display advertisement wishing her constituents a great summer or a happy and safe holiday season when she pays for the advertisements and does not receive any quid pro quo for placing the advertisements in the local newspapers.



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RQO 15-015: Conflict of Interest

A county code enforcement officer asked if she is allowed to work on cases that involve properties owned and managed by her landlord, or if those cases should be reassigned to other officers due to the appearance of impropriety.

ANSWER: She is not prohibited from working on code enforcement cases involving properties owned and managed by her landlord as long as she does not use her official position in any manner to give herself a special financial benefit or to corruptly benefit her landlord.

However, while the landlord-tenant relationship may not constitute a prohibited conflict, it may create an appearance of impropriety, especially if her acts are discretionary in nature. Although matters of internal policy and procedure are not normally subject to COE jurisdiction, we concur with the code enforcement officer that should she receive cases involving her landlord’s properties, those cases should be reassigned to another code enforcement officer.



It takes less time to do a thing right than to explain why you did it wrong.

- Henry Wadsworth Longfellow



RQO 15-021: Contractual Relationship

A municipal employee asked if a prohibited conflict of interest would exist if her husband’s business sells saw blades, including the trademarked EXTRACTOR Rescue Blade, to the city’s fire rescue department, when her husband’s business is the sole source of that trademarked blade.

ANSWER: The code prohibits a business of which a member of the employee’s household has at least a five percent ownership share from contracting with the city. Thus, her husband’s business may only enter into a contract or a

transaction to provide saw blades to the city if one of the exceptions to the contractual relationship prohibition applies. Since her husband’s business is the sole source of the trademarked blade, that product meets the sole source exception, and a conflict of interest would not exist if his business sells that product to the city. For the other products that her husband sells which do not meet the sole source exception, the code provides exceptions for contracts or transactions totaling less than \$500 per calendar year and for contracts awarded under a system of sealed, competitive bidding, where the lowest bidder is selected.

Recent Updates



On June 5, 2015, Judy Pierman was sworn in as the newest COE commissioner. The Honorable Jeffrey Colbath, Chief Judge of the 15th Judicial Circuit, presided over the swearing-in ceremony. Ms. Pierman, the first female Mayor of North Palm Beach and a former councilperson was appointed by the Palm Beach County League of Cities.

RQO 15-035: Outside Employment

A Palm Beach County employee asked if the outside employment waiver provision would allow him to accept part-time employment as an independent contractor for a county vendor.

ANSWER: Under the facts, he would be working as an independent contractor, not as an employee, of the county vendor. Since an independent contractor is not considered an employee under the code, the county vendor would not be considered his outside employer. Thus, the part-time outside employment waiver provision cannot be used in this situation, and the contractual relationship prohibition precludes him from working as an independent contractor for this county vendor.

Ask First, Act Later

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