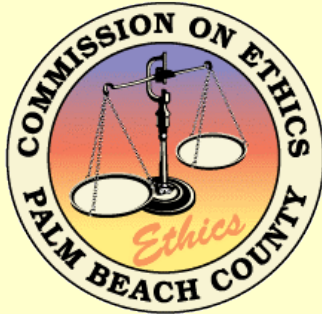


ETHICS BULLETIN

WINTER 2015 EDITION



Palm Beach County Commission on Ethics

Salesia V. Smith-Gordon, Chair

Michael Kridel, Vice Chair

Michael Loffredo

Clevis Headley

Carmine Priore

Codes of ethics, like the one enforced by the Palm Beach County Commission on Ethics, are intended to shine light on those blind spots and encourage employees, elected officials and advisory board members to recognize ethical issues during the course of their public service.

GIFT REPORTING

During the recent holiday season, many public employees and officials received holiday gifts. The Code allows general holiday gifts to be accepted, but the gifts must be reported to the COE if the value is over \$100.

However, public officials and employees are not allowed to accept a gift of any value in return for performing their jobs. This includes *thank you gifts or tips*. Additionally, public officials and employees cannot accept gifts in excess of \$100 over the course of the calendar year from a vendor, lobbyist, or principal or employer of a lobbyist.

If you need to report gifts, the form is available on the COE website and is due on a yearly basis by November 1st.

CHARITABLE SOLICITATION

Public employees and officials soliciting donations on behalf of non-profit charitable organizations must comply with the requirements of the Code:

- Persons making the solicitations must not use their official positions to solicit

on behalf of an organization which they, or their spouse or domestic partner, is an officer or director;

- The organization solicited for must be an IRS recognized charitable organization;
- No quid pro quo or other special consideration may occur, including any direct or indirect special financial benefit to the employee or official or the person being solicited;
- The person or entity solicited may not have a pending application for approval or award of any nature before the county or municipality as applicable;
- The person making the solicitation may not use county or municipal staff or resources in the solicitation; and
- A charitable solicitation log must be filed with the COE, within 30 days of the event, or if no event, within 30 days of the solicitation. The form must list the name of the charitable organization, the name of the donor, and the amount solicited or pledged.

Main: (561) 355-1915

Hotline: (877) 766-5920

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David Greenberg, Former Chief Compliance Officer at Altria Group, sums up the concept of public or client based trust with the following five points.

1. If your clients don't trust you, they will eventually stop doing business with you.
2. Trust is relational, not transactional
3. Trust is not about following rules or showing the other person how law abiding you are. It's about values.
4. It is difficult to earn and preserve clients' trust if trust is not the common currency in your organization.
5. Organizational culture is the primary driver of trust.



- files a statement with the Supervisor of Elections and the Commission on Ethics disclosing his interest in the business prior to submitting the bid.
- The Code provides a sole source exception where the outside business or employer is the only source of the services, and the public employee fully discloses his interest to his public employer and the COE prior to the transaction.
- The Code provides an exception for contracts or transactions totaling less than five hundred dollars (\$500) per calendar year.

RQO-14-038: Charitable solicitation

The Director of Human Resources for the City of Belle Glade asked if City employees may participate as a team in the American Cancer Society's Relay for Life of the Glades Walk for Cancer.

RECENT ADVISORY OPINIONS

RQO 14-037: Contractual relationship

A County employee asked if his outside business or employer could enter into a contract for services with the County.

ANSWER: The County employee's outside business or employer may not enter into a contract for services with the County unless one of the following three exceptions to the contractual relationship prohibition applies.

- The Code provides an exception for contracts awarded under a system of sealed, competitive bidding, where his company is the lowest bidder. The sealed bid exception applies if he:
 - does not participate in the determination of bid specifications,
 - does not use his official position to influence or persuade his public employer other than by the mere submission of the bid, and

ANSWER: The identification of the team as employees of the City does not violate the Code in and of itself, as long as they comply with the following provisions.

- No quid pro quo or other special consideration may occur, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited.
- The use of on-duty staff or municipal resources in the solicitation of these charitable contributions is prohibited.
- Any person or entity with a current application for approval or award may not be solicited.
- Any solicitation of vendors, lobbyists, principals or employers of lobbyists who lobby the City that are in excess of \$100 must be disclosed on a solicitation log and submitted to the COE within 30 days of the charitable event.

Ask First, Act Later

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