



Palm Beach County Commission on Ethics

Commissioners

Edward Rodgers, *Chair*
Manuel Farach, *Vice Chair*
Robin N. Fiore
Ronald E. Harbison
Bruce E. Reinhart

Executive Director

Alan S. Johnson

August 5, 2010

Commissioner Burt Aaronson
Palm Beach County Board of County Commissioners
301 North Olive Avenue
West Palm Beach, FL 33401

Re: RQO 10-011
Master of Ceremonies and Guest Speaker for Fundraising Event

Dear Commissioner Aaronson,

The Commission on Ethics considered your request and rendered its opinion at a public meeting held on August 5, 2010.

YOU ASKED in your scanned letter of July 27, 2010, whether you, as a county commissioner, are permitted to act as master of ceremonies and guest speaker at a dinner/fundraiser for Temple Emeth honoring Maury Kalish, who is on the board of the Lake Worth Drainage District. You indicated that you would not be involved in any fundraising for this event. You also indicated in a previous request for advisory opinion that you are not an officer or board member of Temple Emeth, and that temple representatives would not appear before the County Commission "for any reason in the foreseeable future". Lastly, pursuant to a follow-up telephone conversation on July 28, 2010, you are not appearing or offering to appear as a master of ceremonies and guest speaker in your official capacity as Palm Beach County Commissioner, nor are you accepting any compensation for your appearance.

PREVIOUSLY, on June 16, 2010, you asked whether the Code of Ethics permitted you to be honored along with Maury Kalish at the dinner/fundraiser. In RQO 10-004 the Ethics Commission opined that so long as there is no prohibited financial benefit and fundraisers on behalf of the Temple did not solicit or accept donations in excess of one hundred dollars (\$100) from lobbyists, their principals or employers, the testimonial fundraiser would not be in violation of the Palm Beach County Code of Ethics.

IN SUM, regarding your current request, the Ethics Commission opined that so long as you are not compensated or otherwise receive a prohibited benefit and do not take part in any solicitation or fund raising for the charitable event, your participation as a master of ceremonies and guest speaker would not violate the Palm Beach County Code of Ethics.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the Palm Beach Code of Ethics:

Sec. 2-443 *Prohibited Conduct*. (a) Misuse of public office or employment. An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise or reasonable care will result in a financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities: (7)



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A nongovernmental civic group, union, social, charitable, or religious organization of which he or she (or his or her spouse or domestic partner) is an officer or director. (emphasis added)

Since neither you nor your spouse is an officer or director of Temple Emeth the above prohibition does not apply. Of course, any use of official position, or the taking or failing to take an action resulting in financial benefit to you or any other entities or individuals enumerated in s. 2-443(1)-(6) would be a violation of the code as well.

The relevant section prohibiting solicitation or acceptance of gifts from a lobbyist or the principal or employer of a lobbyist, s. 2-444(a), does not apply in this instance as neither you nor "any other person or business entity" on your behalf would be soliciting for donations to this charitable event from lobbyists, principals or employers of lobbyists. In this instance you have made clear that you will not personally take part in any solicitation. However, those who do solicit on behalf of the organization must be careful not to suggest that donations are made on your behalf or that donors will receive financial benefit or otherwise obtain your goodwill as a county commissioner.

IN SUMMARY, the Palm Beach County Code of Ethics does not prohibit your taking part in a fundraising event honoring Maury Kalish and your further appearance as master of ceremonies and guest speaker for the event. The Ethics Commission recommends that you continue to take every precaution practicable to avoid the appearance that this charitable event is any way on your behalf or will otherwise engender your goodwill on behalf of the donors or their clients.

This opinion construes the Palm Beach County Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at (561) 233-0724 should you have any further questions in this matter.

Sincerely,

Alan S. Johnson
Executive Director
Commission on Ethics

ASJ/gal