



Palm Beach County Commission on Ethics

Commissioners

Edward Rodgers, *Chair*
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Executive Director

Alan S. Johnson

September 3, 2010

Ms. Lisa DeLaRionda, Director
Public Affairs
301 North Olive Avenue
West Palm Beach, FL 33401

Re: RQO 10-017
Teaching at the FASD Annual Conference

Dear Ms. DeLaRionda,

The Commission on Ethics considered your request and rendered its opinion at a public meeting held on September 2, 2010.

YOU ASKED in your email of August 6, 2010, whether you, in your capacity as Public Affairs Director of the county, could participate in the Florida Association of Special Districts (FASD) annual conference by teaching a class on the subject of public relations. Additional information was provided in e-mails dated July 26 and August 30, 2010

IN SUM, the ethics commission opined that the prohibition contained in Article XIII, Sec. 2-443(e) in accepting "transportation, lodging, meals, registration fees and incidentals", applies where the reimbursement for these expenses comes from "a county contractor, vendor, service provider, bidder or proposer." FASD does not fall under any of these categories. Therefore, providing for your overnight stay at the conference would not violate the code of ethics prohibition of accepting travel expenses.

THE FACTS as we understand them are as follows:

FASD is a Non-profit corporation representing limited purpose governmental entities known as special districts. Special districts are separate from local county and municipal government in that they provide permanent administrative structure for financing and maintaining services or infrastructure as an independent governmental entity. You have been asked to teach a 4-hour class on Public Relations. Your audience will be "elected/ appointed officials from various types of special districts" who are participants in the FASD "certified district officials" program. FASD has offered to pay the cost of your overnight stay at the conference. Based upon the facts and circumstances presented, you will not be receiving a personal benefit for teaching the class.

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

Sec. 2-443. Prohibited Conduct.



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(e) Accepting travel expenses. No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from *any county contractor, vendor, service provider, bidder or proposer*. The board of county commissioners may waive the requirements of this subsection by a majority vote of the board. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county is a member if the travel is related to that membership. (Emphasis added)

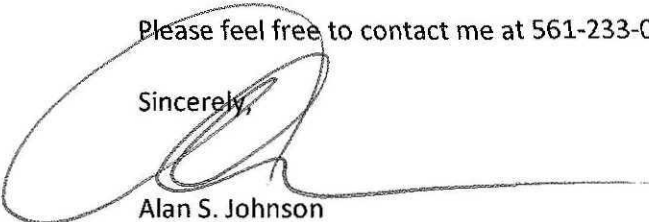
According to Palm Beach County Administration, Palm Beach County is not a member of FASD. While FASD is a non-profit corporation and an association of public entities, it is not itself a public entity. However, according to the financial management database system for Palm Beach County government, FASD has no contracts with the county. Therefore, this organization is not a *county contractor, vendor, service provider, bidder or proposer* and the section of the code of ethics prohibiting officials or employees from accepting travel expenses, including lodging, does not apply to a county employee who volunteers as a guest lecturer at the FASD annual conference.

IN SUMMARY, it is the opinion of the Commission on Ethics that you are not prohibited by Sec. 2-443(e), from accepting the cost of your overnight stay from the Florida Association of Special Districts at its annual conference.

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 if I can be of any further assistance in this matter.

Sincerely,


Alan S. Johnson
Executive Director

ASJ/gal