



Palm Beach County Commission on Ethics

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Edward Rodgers, *Chair*
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Executive Director

Alan S. Johnson

October 7, 2010

Mr. Paul Blockson
Palm Beach County Rescue Division Chief
405 Pike Road
West Palm Beach, FL 33411

Re: RQO 10-019
Volunteer Non-profit Board

Dear Mr. Blockson,

Your request for advisory opinion from the Commission on Ethics has been received and reviewed. The opinion rendered is as follows.

YOU ASKED in your emails of September 1 and 2, 2010, whether as a Palm Beach County Fire Rescue employee you could serve on the board of the Palm Beach County Red Cross as an unpaid volunteer.

IN SUM, there is no conflict within the Palm Beach County Code of Ethics which would prohibit you from volunteering. However, you cannot use your official position to obtain a financial benefit for a charitable organization of which you are an officer or director. In addition, as an employee of the county, you may not solicit or accept donations in excess of One Hundred Dollars (\$100.00) directly or indirectly on behalf of the Red Cross from lobbyists, or otherwise accept any gift because of your official position, a legal duty or a public action.

THE FACTS as we understand them are as follows:

You are a Division Chief in the Palm Beach County Fire Rescue Organization. As such you are a county employee. Recently, you have been appointed to serve on the American Red Cross Greater/Palm Beach Chapter Board of Directors. The Red Cross is neither a vendor, county contractor, bidder or proposer within Palm Beach County. Your volunteer service is during off duty hours.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the Palm Beach County 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 in which he or she knows or should know with the exercise of 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) A nongovernmental group, union, social, charitable, or religious organization of which he or she is an officer or director.



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While this section does not prohibit you from serving as a volunteer on the area chapter board of directors for the Red Cross, you must take great care so as not to use your official position as an employee of Palm Beach County to take or fail to take any action that will result in any financial benefit to this charitable organization.

Section 2-444. Gift Law.

(a) No county commissioner or employee or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than One Hundred Dollars (\$100.00) from any person or business entity that the recipient knows is a lobbyist or any principal or employer of a lobbyist.

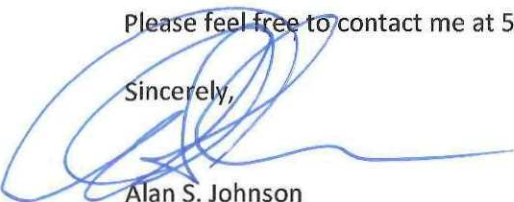
In your capacity as a volunteer for a nonprofit organization, you are prohibited as a county employee from knowingly soliciting or accepting directly or indirectly, gifts or donations on behalf of the Red Cross, from lobbyists, principals, or employers of lobbyists. Nor are you permitted to accept or agree to accept any gift or contribution because of an official public action, a legal duty, or the violation of a legal duty, all prohibited under section 2-444(c)(1)-(3).

IN CONCLUSION, the code does not prohibit you from volunteering during off duty hours for the American Red Cross Greater Palm Beach Area Chapter/Board of Directors. Great care must be taken to avoid a using your official position or office in such a way as to result in a financial benefit to the Red Cross, not shared with similarly situated members of the general public. Lastly, you may not participate in activities which involve the solicitation or acceptance on behalf of the Red Cross, any gift from a lobbyist or principal or employer of a lobbyist greater than One Hundred Dollars (\$100.00) or any gift whatsoever accepted because of an official public action, legal duty or the violation of a legal duty.

This opinion construes the Palm Beach County Code of Ethics ordinance and is based on the facts and circumstances you have provided. It 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