



Palm Beach County Commission on Ethics

Commissioners

Edward Rodgers, *Chair*
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Bruce E. Reinhart

Executive Director

Alan S. Johnson

September 30, 2010

Mr. Shawn Wilson
Housing Trust Group, LLC
Palm Beach Office
750 Malibu Bay Drive
West Palm Beach, FL 33401

Re: RQO 10-022
Advisory Board

Dear Mr. Wilson,

Your request for advisory opinion to the Palm Beach County Commission on Ethics has been received and reviewed.

YOU ASKED, in your e-mail of September 14, 2010, whether you were subject to the prohibited contractual relationships section of the Palm Beach County Code of Ethics and therefore needed a waiver from the Palm Beach County Board of County Commissioners to remain on the Palm Beach County Emergency Shelter Grant Program (ESGP) Advisory Board. On September 16, 2010 you indicated by email that you had decided to resign from the ESGP Advisory Board. Pursuant to the Commission on Ethics Rules of Procedure, Section B 2.4 (f), once submitted, an advisory opinion request may not be withdrawn by the submitting party. Therefore, please find the following response to your original request.

IN SUM, according to the facts and circumstances you submitted, once your outside employer entered into a contract with the county, in order to remain on the Emergency Shelter Grant Program Advisory Board, you would have needed to obtain a waiver from the Board of County Commissioners.

THE FACTS as you submitted them are as follows:

You are an employee of Housing Trust Group, LLC. At the time of your request, there was a contract making its way to the Board of County Commissioners that would have resulted in the sale of Westgate CRA property to Housing Trust Group, LLC, your employer. In addition, at the time of the request, you were a member of the ESGP Advisory Board appointed by the Board of County Commissioners.

THE LEGAL BASIS for this opinion relies on the following relevant sections of the Palm Beach County Code of Ethics:

Code of Ethics.

Sec. 2-443(c) prohibits an official from entering into any contract or other contract for goods or services with the county. The prohibition extends to all contracts or transactions between the county and the official, directly or indirectly, and includes the official's *outside employer or business*.

Sec. 2-443(d) allows for the waiver of subsection (c) "upon full disclosure of the transaction or financial benefit prior to the waiver and an affirmative vote of five (5) members of the board of county commissioners".



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IN SUMMARY, once Housing Trust Group, LLC enters into a contract with the county, the prohibition of Section 2-443(c) is invoked and you would have been required to resign or seek a waiver from the Board of County Commissioners. By resigning from the ESGP Advisory Board, you no longer are subject to the above sections of the Palm Beach County Code of Ethics.

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