



# 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

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November 8, 2010

Bill Schall, Commercial Horticulture Extension Agent IV  
Environmental Horticulture Program Leader  
Palm Beach County Extension  
Cooperative Extension Service Department  
559 N. Military Trail  
West Palm Beach, FL 33415

RE: RQO 10-034  
Registration fees for ISA workshop

Dear Mr. Schall,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics has been received and reviewed. The opinion rendered is as follows.

YOU ASKED in your email dated November 3, 2010, whether five (5) employees of the Palm Beach County Cooperative Extension Service (CES) are permitted to accept free registration and attend a training workshop being held in Palm Beach County at a CES facility. The workshop is being offered by CES in collaboration with the non-profit International Society of Arboriculture (ISA), on November 12, 2010. In a follow-up email on November 4, 2010, you further advised that ISA is a not-for-profit corporation, is not a county contractor, vendor, service provider, bidder or proposer, and does not employ a lobbyist. The cost for government employees to attend would normally be \$155.00 each.

IN SUM, based on the facts you have submitted, the five (5) CES employees are not prohibited from accepting this cost free attendance at the ISS workshop, and this attendance is neither a prohibited nor reportable gift under the code.

THE FACTS as we understand them are as follows:

The Palm Beach County Cooperative Extension Service (CES), a government entity, in collaboration with the Florida Chapter of the International Society of Arboriculture (ISA), a private, not-for-profit organization, is holding a training workshop at a county facility in November, 2010. You are the CES facilitator for this workshop. The purpose of this workshop is to improve the skills and knowledge of persons working in the tree trimming and arboriculture field.

No employees of CES currently serve as officers or directors for ISA. According to the information you have provided, ISA is not a county contractor, vendor, service provider, bidder or proposer, and employs no lobbyists. The five (5) county employees from CES have been offered the opportunity to attend this workshop at no cost. The cost to attend the workshop for government employees would normally be



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\$155.00 each. This fee includes lunch and refreshments. Attendance at this workshop would be directly related to improvement of these employees' skills and knowledge in the performance of their official duties for the county.

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

The Palm Beach County Code of Ethics Section 2-443(e), *Travel expenses* states as follows:

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*. (emphasis added)

Since you have indicated that ISA is not a county contractor, vendor, service provider, bidder or proposer, this section of the Palm Beach County Code of Ethics does not prohibit employees from accepting a waiver of registration fees to the workshop.

Section 2-444, *Gift Law*, states as follows:

§2-444(a), No county commissioner or employee...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. (emphasis added)

§2-444(d), *Gift reports*. Any official or employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift.

§2-444(e), For the purposes of this section, "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(1) *Exceptions*. The provisions of subsection (e) shall not apply to:

(e) Gifts solicited by county employees on behalf of the county in performance of their official duties for use solely by the county in conducting official business.

According to the facts you have submitted, ISA is not and does not employ a lobbyist. Therefore, the registration fee for attendance at this workshop is not a prohibited gift under this section of the code. CES is a co-sponsor of the event and will supply the facilities. You have also indicated that this workshop



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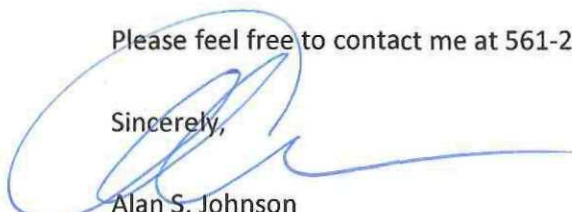
is directly related to improvement of these employees' skills and knowledge in the performance of their official duties for the county. Therefore, attendance falls under an exception to the reporting requirement of §2-444 of the code, even though the value of the registration fee is greater than one hundred dollars (\$100.00).

IN SUMMARY, based on the facts and circumstances submitted, CES employees may accept free registration and attend the November 12<sup>th</sup> CES/ISA training workshop.

This opinion construes the Palm Beach County Code of Ethics ordinance, but is not applicable to any conflict under state law. Inquires 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