



# 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

March 4, 2011

Ms. Deborah Singer  
Palm Beach County Office of Equal Opportunity  
215 North Olive Avenue, Suite 130  
West Palm Beach, Florida 33401

Re: RQO11-008  
Gift Law: Thank you Gifts

Dear Ms. Singer,

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 and attachment on February 24, 2011, whether you could accept two gift cards, valued at \$25.00 each, in appreciation for your work on a resident's employment discrimination case.

IN SUM, Section 2-244(c) of the Palm Beach County Code of Ethics specifically prohibits an employee from accepting a gift because of "an official action taken" or "duty performed." The assistance you provided was in your official capacity as a Palm Beach County employee, therefore you are prohibited from accepting the gift.

The facts as we understand them are as follows:

You are a compliance investigator II/mediator with the Palm Beach County Office of Equal Opportunity. On March 23, 2010 you were assigned to investigate an employment discrimination complaint; however the complaint was withdrawn before any determination was made as to whether or not there were reasonable grounds to believe that a violation of the county's equal employment ordinance occurred. Several months later and after the complainant's case was settled outside of the Palm Beach County EEO process, the complainant arrived at your office and gave you a thank you card containing two twenty-five dollar (\$25.00) gift cards for Olive Garden restaurant. The thank you card read, "I would like to thank you for all your support in this case. I will always appreciate your constant [sic] work and effort to resolve this matter." After calling the Ethics Hotline, you returned the gift cards via certified mail.

THE LEGAL BASIS for this opinion relies on the following section of the Palm Beach County Code of Ethics.

2633 Vista Parkway, West Palm Beach, FL 33411 561.233.0724 FAX: 561.233.0735

**Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)**

**Website: [palmbeachcountyethics.com](http://palmbeachcountyethics.com)**



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### Article XIII, Sec. 2-444. Gift Law

(c) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:


- (1) *An official public action taken or to be taken, or which could be taken;*
- (2) *A legal duty performed or to be performed or which could be performed; or*
- (3) *A legal duty violated or to be violated, or which could be violated by any official or employee. (emphasis added)*

In this instance, the gift cards were offered to you in appreciation for actions you had taken on behalf of the donor in your official capacity as an employee of the Palm Beach County Office of Equal Opportunity. The issue presented has been addressed previously by the Commission on Ethics in the context of complementary tickets offered by a playwright to a county employee in appreciation for assistance given in his official capacity.<sup>1</sup>

IN SUM, the Code of Ethics specifically prohibits an employee from accepting a gift because of "an official act taken" or "duty performed." Regardless of whether or not the gesture of thanks from a resident was given after the official action was taken by you, or benefit was obtained by her, it is still a gratuity tied to your official act in investigating her claim. This is specifically prohibited under the code. Commendably, and prior to your receipt of this advisory opinion, you returned the gift cards.

This opinion construes the Palm Beach County Code of Ethics and is based upon the facts and circumstances that you have submitted. 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.

Sincerely,



Alan S. Johnson  
Executive Director

ASJ/meb/gal

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<sup>1</sup> RQO 10-031