



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

April 8, 2011

Ms. Tammi Wilkins
Palm Beach County Commission
301 N. Olive Ave.
West Palm Beach, FL 33410

Re: RQO 11-010
Misuse of Public Office or Employment

Dear Ms. Wilkins,

The Commission on Ethics considered your request and rendered its opinion at a public meeting held on April 7, 2011.

YOU ASKED in your email on March 4, 2011, whether, as a Palm Beach County employee you could continue to serve as a board member and officer of the Duo Center, a local non-profit organization affiliated with the Engrafted Word Worship Center (Worship Center) that accepts summer camp vouchers from Palm Beach County Human Services Division.

IN SUM, while the code of ethics does not prohibit you from being an officer or board member of a non-profit organization, as an employee of Palm Beach County and officer of both the Engrafted Word Worship Center and the Duo Center, you must take great care to not use your official position in county government to financially benefit either organization. In addition, you may not solicit or accept a gift with a value in excess of \$100.00 from a lobbyist, principal or employer or a lobbyist on behalf of the Worship or Duo Centers.¹

THE FACTS as we understand them are as follows:

You are the receptionist for the Palm Beach County Commission; you do not participate in the awarding of contracts, enforce, oversee or administer any contracts on behalf of the county. In your personal time, you volunteer as pastor of the Engrafted Word Worship Center and serve on the board of the center's non-profit organization, the Duo Center. In particular, the Duo Center provides outreach and community activities designed to develop and sustain responsibility, knowledge, and self-worth for underserved youth and their families- including a summer camp for school-aged children. Palm Beach County Human Services Division provides low-income families with summer camp vouchers and the Duo Center summer program accepts these vouchers in lieu of payment.

¹ RQO 10-041



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

In addition, your husband is an officer and director of both the Worship and Duo Centers. You do not receive compensation from either organization.

THE LEGAL BASIS for this opinion relies on a number of sections within the 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 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 person or entities:

(7) A non-governmental civil group, union, social, charitable or religious organization of which he or she (or his or her spouse or domestic partner) is an officer or director.

You may not use your position in Palm Beach county government to financially benefit a religious or other non-profit organization of which you or your spouse is an officer or director. Any attempt to use your official position to influence the county commission or any county department on behalf of these organizations, for their financial benefit, would violate the misuse of office section of the code.

Sec. 443(c) prohibits officials and employees from entering into "any contract or other transaction for goods or services with the county" through the official or employee's outside employer or business. An outside employer or business is defined in section 2-442 as "any entity, other than the county... of which the official or employee is a member, official, director, or employee and from which he or she receives compensation for services rendered or goods sold or produced." Although the Duo Center contracts with the county through the summer voucher program, section 2-443(c) does not apply because you do not receive any compensation for your work with the organization.

Finally, the following code sections apply to gifts:

Sec. 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."

Sec. 2-444(a) No... employee, or 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 \$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)



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

Section 2-444(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.

While gifts donated to a religious organization are not reportable as gifts by the individual officers or directors of that organization, as a county employee, you cannot, directly or indirectly, accept or solicit gifts from lobbyists, principals or employers of lobbyists in excess of \$100.00. Therefore, your acceptance or solicitation, or the acceptance or solicitation on your behalf, of a gift, valued at more than \$100.00 from a lobbyist, principal or employer of a lobbyist on behalf of the Worship Center or the Duo Center would be prohibited.²

IN SUMMARY, based on the facts you have submitted, the Palm Beach County Code of Ethics does not prohibit you from serving as an officer or director with the Duo Center or the Engrafted Word Worship Center. However, as an employee of the county, please be careful not to accept anything of value in return for an official act or the performance of a legal duty or otherwise use your position to financially benefit these organizations. Your duty to not use your official position to financially benefit a religious or non-profit organization in which you are an officer or director is ongoing. You may not personally, solicit or accept, on behalf of a non-profit organization donations in excess of one hundred dollars (\$100.00), directly or indirectly, from any lobbyist, principal or employer of a lobbyist who lobbies Palm Beach County.

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/mcr/gal

² RQO 10-004