



# 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

June 3, 2011

Sheridan Trusdale  
PBC Division of Emergency Management  
20 South Military Trail  
West Palm Beach, FL 33415

Re: RQO 11-021  
Gift Law/Public Purpose Exception

Dear Mr. Trusdale,

The Palm Beach County Commission on Ethics (COE) considered your request for an advisory opinion, and rendered its opinion at a public meeting held on June 2, 2011.

YOU ASKED in your e-mail of May 11, 2011 whether, as the PBC Coordinator of the Community Rating System (CRS) under the county's floodplain management program, your participation in the annual Flood & Hurricane Awareness Exposition (Expo) scheduled for June 18, 2011, including the solicitation and acceptance of donations from vendors, violates the Palm Beach County Code of Ethics. Additional information about CRS and the Expo was obtained in follow-up emails on May 17, 2011, as well as brief telephone conversations with a COE staff member.

IN SUM, based upon the facts as submitted, the Palm Beach County Code of Ethics does not prohibit you as Coordinator of CRS from partnering with public or private organizations to organize and hold an annual Flood & Hurricane Awareness Expo. Generally, as an employee of Palm Beach County, the code prohibits the solicitation or acceptance of any gift in excess of one hundred dollars (\$100) from a vendor who transacts business with the county. However, there is an exception in the code for gifts that are solicited or accepted by public employees in performance of their official duties on behalf of the county or municipality to be used solely for a public purpose. Since your official position as Coordinator of CRS requires you to organize public expositions, and the purpose of the donations is to promote public attendance at this Expo, which is itself geared towards the public purpose of providing information on disaster preparedness, any item solicited or accepted for this purpose would not be considered a reportable or prohibited gift.

THE FACTS as we understand them are as follows:

You are a Palm Beach County employee within the Division of Emergency Management and as part of your county employment responsibilities you also serve as the county's coordinator of

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the CRS within Palm Beach County's Floodplain Management Program. Members of CRS, representing all 38 municipalities within Palm Beach County, organize and hold an annual event known as the Expo. You describe this event as a major outreach activity that features both private and public sector exhibitors and includes subject matter experts from various federal agencies, the media, non-profit organizations and emergency management organizations, all of whom offer information to the public on disaster preparedness. You further stated that this program saves residents millions of dollars each year by providing them with disaster preparedness information, as well as access to the services of public and private entities involved in disaster preparedness.

The Expo will be held on June 18, 2011 at the Boynton Beach Mall. In order to attract members of the public to attend this event, the Expo offers games and prizes relating to flood and hurricane preparedness. These prizes are donated by community businesses and non-profit organizations. CRS members, their families, household members or relatives are not eligible to participate. Any other member of the public attending the event will have an equal opportunity to win one of the donated prizes. You further advise that the solicitation of donations for prizes is to be conducted jointly by the Boynton Beach Mall and by members of CRS.

THE LEGAL BASIS for this opinion is found in the following relevant sections of the revised Palm Beach County Code of Ethics, which took effect on June 1, 2011:

### Sec. 2-444. Gift Law.

- (a)(1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the local governing body, *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) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.* (Emphasis added)
- (g) 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.* (Emphasis added)



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

- e. *Gifts solicited or accepted* by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties *for use solely by the county or municipality for a public purpose*; (Emphasis added)

IN SUMMARY, based on the information you have submitted, the Code of Ethics does not prohibit you and other CRS members from partnering with vendor businesses and non-profit organizations to conduct the annual Flood & Hurricane Awareness Expo. In addition, donations solicited or accepted by CRS members from vendors, earmarked to be given as prizes to members of the general public as an incentive to boost attendance at the event, which is hosted by the county and whose purpose is to promote disaster preparedness, are not considered prohibited gifts under the Palm Beach County Code of Ethics.

This opinion construes the Palm Beach County Code of Ethics Ordinance, but 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 should you have any further questions in this matter.

Sincerely,

Alan S. Johnson  
Executive Director  
Commission on Ethics

ASJ/meb/gal