



# Palm Beach County Commission on Ethics

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**Executive Director**

Alan S. Johnson

July 8, 2011

Suzanne Mulvehill, Vice Mayor  
City of Lake Worth  
7 North Dixie Highway  
Lake Worth, FL 33460-3787

Re: RQO 11-033  
Misuse of Office

Dear Vice- Mayor Mulvehill,

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 July 7, 2011.

YOU ASKED in your email dated June 7, 2011, whether it is a violation of the Palm Beach County Code of Ethics for you to use money left over from your campaign to help pay for a trip to Southend-on-Sea, England where you will represent the City of Lake Worth at a conference and street painting festival modeled after the Lake Worth Street Painting Festival.

IN SUM, the Code of Ethics does not regulate campaign contributions and expenditures. These issues are subject to regulation under state and federal law. Notwithstanding, you have an ongoing responsibility under the Code of Ethics not to use your official position to take or fail to take any action in a manner that constitutes a corrupt misuse of your office for a wrongful purpose as defined in the code.

THE FACTS as we understand them are as follows:

You are the Vice Mayor for the City of Lake Worth. Lake Worth has established a "sister-city" program that initiates, plans, sponsors, organizes and promotes cultural exchanges with cities abroad. In conjunction with this program you have been invited to Southend-on-Sea, a Lake Worth sister-city in England, to represent Lake Worth at an International Business and Tourism conference. Your participation in the event includes being a judge in Southend-on-Sea's first street painting festival modeled after Lake Worth's Street Painting Festival. While you used personal frequent flyer miles to cover the cost of your airline ticket, you intend to use \$220 from your office campaign account to pay for taxes on your airline ticket and use the remaining \$250 for accommodations, train tickets to and from Southend-on-Sea, and meals. You stated that you will use personal funds to pay whatever expenses are not covered by your office campaign account due to Lake Worth's budgetary restraints.

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

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 special financial benefit, not shared with similarly situated members of the general public...

*Financial Benefit:* includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. *This term does not include campaign contributions authorized by law.*

While elected officials, advisory board members and public employees may not use their official position to obtain a special financial benefit, campaign contributions are specifically exempted from the definition of financial benefit and are not subject to regulation by the Palm Beach County Commission on Ethics.

IN SUMMARY, based on the information you have submitted, the Code of Ethics neither prohibits nor authorizes you to use funds as described.

This opinion construes the Palm Beach County Code of Ethics Ordinance, but is not applicable to any conflict under state ethics or campaign finance laws. Inquiries regarding possible conflicts under state campaign finance laws should be directed to the Florida Division of Elections.

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/mr/gal