



Palm Beach County Commission on Ethics

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August 11, 2011

Dr. Virginia Sayre
Palm Beach County Animal Care and Control
7100 Belvedere Road
West Palm Beach, FL 33411

Re: RQO 11-049
Prohibited Contractual Relationships

Dear Dr. Sayre,

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

YOU ASKED, in October of 2010, whether you as a Veterinarian employed by Palm Beach County Animal Care and Control, were permitted to provide low cost vaccination and spay/neuter surgeries for cats and dogs at local area stores, one of which is a vendor of Palm Beach County. You asked in a subsequent e-mail request dated June 13, 2011, whether your obligations have changed under the revised code of ethics effective June 1, 2011.

IN SUM, your outside business, Pet Wellness Station, is not prohibited from providing pet vaccination services at The Red Barn (TRB), a county vendor, so long as you provide TRB with adequate consideration for use of their space, so as to avoid the receipt of a prohibited gift in excess of \$100.

THE FACTS as we understand them are as follows:

This Commission provided you with an advisory opinion in October of 2010.¹ The facts are the same. You are employed full time by Palm Beach County Animal Care and Control (ACC) as a veterinarian and your outside business, Pet Wellness Station, provides low cost vaccinations at area pet stores, including TRB. Of the locations offering your services, only TRB is a county vendor and previously allowed you to run your clinic out of its store at no cost. Now, Pet Wellness Station pays \$50 per month in rent to TRB to use folding tables in the aisle way for two hours once a month. Another vaccine clinic, Paws Plus, has paid a site fee of \$50 to use a similar space at a similar location.

¹ RQO 10-015

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

Section 2-444(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*.

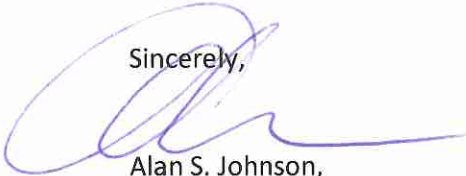
The COE previously advised you that should you received more than \$100 in complementary "rent" from TRB, you were required to report that amount on an annual gift reporting form. Under the revised code of ethics, you are prohibited from accepting more than \$100, in the aggregate, over the course of the calendar year, from any vendor of Palm Beach County, including TRB. However, your payment of \$50 to TRB in monthly rent would appear, based on the information you have provided, to constitute adequate consideration for your use of the space and, therefore, would not constitute a gift under the code of ethics.

IN SUMMARY, based on the facts and circumstances you have submitted, your outside business, the Pet Wellness Station, is not prohibited from operating at TRB, under the gift law provisions of the revised Code of Ethics, provided you continue to give adequate consideration for the benefit received.

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

ASJ/mr/gal