



Palm Beach County Commission on Ethics

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January 5, 2012

Ms. Lydia Littlefield
Palm Beach County Medical Examiner's Officer
3126 Gun Club Road
West Palm Beach, FL 33406

Re: RQO 11-113
Holiday Gifts

Dear Ms. Littlefield,

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 January 4, 2011.

YOU ASKED in your email of December 6, 2011, whether County Employees may give vendors gifts as an expression of appreciation.

IN SUM, the Code of Ethics prohibits municipal and county employees from soliciting or accepting anything of value in exchange for the past, present or future performance of an official act or a legal duty. No gift may be accepted, if valued in excess of \$100, in the aggregate over the course of the calendar year, from a vendor or lobbyist of their government employer. Conversely, a vendor or lobbyist who lobbies, sells or leases to the county or a municipality is prohibited from giving gifts in excess of \$100, in the aggregate over the course of the calendar year. However, an employee is not prohibited from giving personal gifts to a vendor of the county or the municipal government they serve.

THE FACTS as we understand them are as follows:

You are a county employee who works for the medical examiner's office. In the course of your employment, you have frequent contact with vendor personnel who are responsible for transporting bodies to the medical examiner's facility, including at death scenes. You have had an excellent relationship with the transport personnel and appreciate the services they have performed for your office. Accordingly, you would like to send a holiday gift to the employees of the vendor in your personal capacity as a means of expressing your appreciation for their professional and efficient service.

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

Section 2-444(a)(1) prohibits an elected official or employee of government from *soliciting or accepting* any gifts with a value of greater than \$100, in the aggregate for the calendar year, from a person or 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 their government employer. Similarly, §2-444(c) prohibits the *solicitation* of any gift from a vendor or lobbyist, if the gift is for the personal benefit of the official or employee, fellow official or employee, or the official or employee's relatives or household members. Finally, §2-444(e) prohibits an official, advisory board member, or an employee from *accepting* anything of value in exchange for the past, present or future performance of an official act or a legal duty.

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The code of ethics prohibits certain gifts given to officials and employees by those who vend or lobby their government employer. There is no prohibition against an employee or official giving a gift to a vendor or lobbyist.

IN SUMMARY, as a county employee, you are not prohibited from giving a county vendor a gift as an expression of appreciation.

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 if I can be of any further assistance in this matter.

Sincerely,



Alan S. Johnson,
Executive Director

ASJ/mcr/gal