



# Palm Beach County Commission on Ethics

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April 6, 2012

Nancy Albert, Director  
PBC Facilities Development and Operations  
Division of Electronic Services & Security  
2601 Vista Parkway  
West Palm Beach, FL 33411

Re: RQO 12-014  
Gift Law/Vendor Conference

Dear Ms. Albert,

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 April 5, 2012.

YOU ASKED in your email of February 24, 2012, whether County planning employees are permitted to attend an educational seminar provided by a vendor of the County. Their attendance is for educational purposes and will be in their official capacity.

IN SUM, County employees are not prohibited from attending a tuition free educational seminar in their official capacity as County employees, notwithstanding the fact that the training is provided by a vendor of the County. However, employees may not accept anything else of an annual aggregate value in excess of \$100 from a vendor, lobbyist, principal or employer of a lobbyist who sells, leases to, or lobbies the County.

THE FACTS as we understand them are as follows:

You are the Director of Electronic Services and Security for Palm Beach County (ESS). ESS supports electronic systems within County government. ADI, a national supply house for electronic supplies such as cable, security monitors and cameras, is a county vendor. ESS Department employees have been invited to attend a "South Florida Expo" (Expo) training given by ADI on Thursday, March 22<sup>nd</sup>. There is no charge for the Expo and all area government and private sector clients of ADI are invited to attend. The one day training will be held in Ft. Lauderdale, Florida. Food and beverages will be available at no charge. There is no overnight stay and ESS employees will car pool to the training in a County vehicle. The governmental purpose in attending this training series is to further expand County Staff's existing knowledge of current products and introduce them to new technology coming onto the market. As

Director, you would like to send the County's planning group who can then pass this information on to the rest of your division.

THE LEGAL BASIS for this opinion may be found in the following relevant portions of the Code of Ethics:

**Sec. 2-444. Gift law.**

- (a) No... employee...shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the annual aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise or reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county...
- (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...

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

- h. Registration fees and other related costs associated with educational or governmental conferences or seminars and travel expenses either properly waived or inapplicable pursuant to section 2-443(f), provided that attendance is for governmental purposes, and attendance is related to their duties and responsibilities as an official or employee of the county or municipality;

County and municipal employees subject to the Code of Ethics are prohibited from soliciting or accepting gifts in excess of \$100 from vendors and lobbyists, who vend, lease or lobby their government employer.<sup>1</sup> The definition of "gift" specifically excludes registration fees and other related costs associated with educational or governmental conferences or seminars where attendance is for governmental purposes and attendance is related to an employee's duties and responsibilities as an employee of the county.

In this instance, there are no fees attached to the Expo training, however, even if there were such a fee, based upon the facts and circumstances you have submitted, such a tuition, fee or cost would not be considered a gift under the code.<sup>2</sup> Accordingly, County employees are not prohibited from attending the training session provided at the March 22<sup>nd</sup> Expo. This exception extends only to training expenses. While attending the seminar an ESS employee may not accept a gift from ADI, including food and beverage, if the annual aggregate value exceeds \$100.<sup>3</sup> Lastly, employees may not accept anything of value in exchange for "an official action taken" or "legal duty performed."<sup>4</sup>

IN SUMMARY, county employees are not prohibited from attending the no cost ADI Expo, provided the attendance is for governmental purposes related to their duties and responsibilities as employees of the

<sup>1</sup> §2-444(a)(1)

<sup>2</sup> But see, RQO 11-011, 11-106, 11-071 (attendance at a vendor-sponsored conference over multiple days and/or including an overnight stay must be properly waived pursuant to §2-443(f)).

<sup>3</sup> RQO 11-047, RQO 11-071, RQO 12-011

<sup>4</sup> §2-444(e)

County. Should an ESS employee receive anything at the Expo from a vendor, lobbyist, principal or employer of a lobbyist of the County, with an annual aggregate value in excess of \$100, such a gift or gifts would be prohibited.

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/gal