



Palm Beach County Commission on Ethics

Commissioners

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April 6, 2012

Paulette Burdick, District 2 County Commissioner
Palm Beach County Governmental Center
301 North Olive Avenue
West Palm Beach, FL 33401

Re: RQO 12-018
Travel expenses

Dear Commissioner Burdick,

The Palm Beach County Commission on Ethics has considered your request for an advisory opinion, and rendered its opinion at a public meeting on April 5, 2012.

YOU ASKED, through your staff, in e-mails of March 5th, 2012, whether you can receive travel reimbursement from the Robert Wood Johnson Foundation (RWJF) and the Quantum Foundation (QF) grant to the School Board of Palm Beach County (School Board) for attendance at an annual training for the Healthy Kids, Healthy Communities Project (Project) as a community partner with the School Board.

IN SUM, neither RWJF nor QF is a vendor or principal of lobbyists of Palm Beach County Government. Therefore, the Code of Ethics does not prohibit you from attending and receiving travel reimbursement for the event. You are an official identified by state law as a reporting individual. Therefore, you are required to adhere to all standards and requirements imposed under state law regarding the reporting of gifts.¹

THE FACTS as we understand them are as follows:

You are a Palm Beach County Commissioner and former School Board Commissioner. As a County Commissioner, you are identified by state law as a reporting individual for purposes of gift law reporting.

The School Board has received a RWJF, Project grant in January 2010. One of the requirements of this grant is to attend the annual grantee meeting in Chapel Hill, North Carolina. As a part of the meeting the Project Director and Project Coordinator are requested to bring a community partner. You have been asked by the School Board to attend this training as a community partner. The School Board, through the HKHC grant monies, will pay airfare and other miscellaneous travel expenses. The HKHC national program will pay lodging expenses during the training and extend the room reimbursement to "three days before and after the meeting, providing an opportunity for an early summer vacation with family or friends for those who wish to stay." The conference room rate is \$162 per night.

A search of the county vendor and lobbyist databases shows that neither HKHC nor QF is a vendor or principal of lobbyists who sell to, lease or lobby Palm Beach County Government.

¹ §2-444(f)(1), §112.3148, Florida Statutes, Chapter 34-13, Florida Administrative Code.

THE LEGAL BASIS for this opinion may be found in the travel reimbursement and gift law sections of the Code of Ethics:

Section 2-443(f) *Accepting travel expenses*; prohibits reimbursement of travel expenses from *any county or municipal contractor, vendor, service provider, bidder or proposer* of your government employer. This prohibition can be waived by a vote of the Board of County Commissioners. However, the RWJF and QF are not vendors of the county. In addition, the prohibitions and limitations of this section do not apply to expenses paid by other governmental entities. Therefore, even if the foundations were vendors, depending upon the facts, those travel expenses paid directly by the School Board would not be prohibited.

Section 2-444(f)(1) *Gift reports for officials identified by state law as reporting individuals*. Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the county commission on ethics.

As a County Commissioner, you are a state reporting individual and must comply with the transparency requirements of state law. The Palm Beach County Code of Ethics annual reporting requirements only apply to non state reporting individuals.²

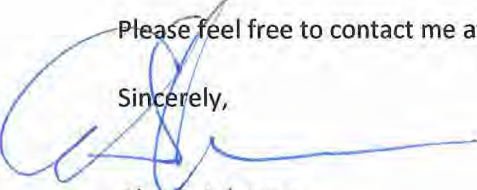
While attending the seminar, you may not otherwise accept a gift in excess of \$100, from a vendor, lobbyist, principal or employer of a lobbyist who lobbies, sells or leases to the County.³ Lastly, you may not accept anything of value in exchange for the past, present or future *official action taken or legal duty performed*.⁴

IN SUMMARY, based upon the facts and circumstances you have submitted, you are not prohibited from attending the HKHC conference, and receiving travel expenses from the School Board, RWJF or QF as these entities are neither vendors nor lobbyists of Palm Beach County. Reimbursement is reportable as required by state law.

This opinion construes the Palm Beach County Code of Ethics Ordinance. Other than state law requirements referenced within the code, it is not applicable to any other potential 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

² RQO 11-089

³ RQO 11-047, 2-444(a)(1)

⁴ §2-444(e)