



Palm Beach County Commission on Ethics

Commissioners
Edward Rodgers, Chair
Manuel Farach, Vice Chair
Robin N. Fiore
Ronald E. Harbison
Bruce E. Reinhart

Executive Director
Alan S. Johnson

In Re: **Burt Aaronson**

C10-006

Public Report and Final Order with Issuance of a Letter of Instruction

COMPLAINANT, Alan S Johnson, Executive Director of the Commission on Ethics, filed the above-referenced COMPLAINT on December 15, 2010, alleging a possible ethics violation involving RESPONDENT Burt Aaronson, a Palm Beach County Commissioner.

The COMPLAINT alleges that on September 11, 2010, RESPONDENT, Burt Aaronson, knowingly accepted a gift in excess of one hundred dollars (\$100.00) from a principal or employer of a lobbyist.

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a)¹ of the Palm Beach County Code, the Commission on Ethics is empowered to enforce the county code of ethics. Knowingly accepting any gift with a value of greater than one hundred dollars (\$100.00) from any person or business entity that the recipient knows is a lobbyist or any principal or employer of a lobbyist is prohibited pursuant to Article XIII, sec. 2-444(a)² of the Palm Beach County Code.

¹ Article V, Division 8, section 2-258. Powers and duties. (a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the;

- (1) County Code of Ethics;
- (2) County Post-Employment Ordinance, and
- (3) County Lobbyist Registration Ordinance.

² Article XIII, sec.2-444. Gift Law.

On December 13, 2010, the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. The matter was investigated and presented to the Commission on Ethics on January 6, 2011 with a recommendation that probable cause exists that a code of ethics violation occurred. At that time, the Commission conducted a hearing. The Commission reviewed and considered the investigative report, documentary submissions, recommendation of staff, written response of the RESPONDENT as well as oral statements of the RESPONDENT and ADVOCATE. At the conclusion of the hearing the Commission on Ethics continued the probable cause hearing until February 3, 2011. After further review of the facts and circumstances of the alleged offense, the matter was again presented to the Commission on Ethics on February 3, 2011 with a recommendation that although there may be probable cause to believe there was a code of ethics violation, the facts and circumstances warrant a dismissal with a letter of instruction to the Respondent. At that time, the Commission conducted further hearing in the matter. The Commission reviewed and considered the investigative report, documentary submissions, recommendation of staff, written response of the RESPONDENT as well as oral statements of the RESPONDENT and ADVOCATE. The Commission also reviewed Art. V., sec. 2-260.3 of the Commission on Ethics ordinance.³ At the conclusion of the hearing the Commission on Ethics determined that the alleged violation was inadvertent and unintentional. The commission based this determination on the following factors:

- 1- RESPONDENT received a gift of 2 tickets to the Business Development Board Gala valued at \$400.00.
- 2- The total ticket value of \$400.00 is in excess of the \$100.00 limit imposed by sec. 2-244(a).

(a) No county commissioner or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100.00) from any person or business entity that the recipient knows is a lobbyist or any principal or employer of a lobbyist.

³ Sec. 2-260.3. Dismissal of Complaints

Notwithstanding any other provisions of this division, the commission on ethics may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the commission on ethics dismisses a complaint as provided in this subsection, the commission on ethics shall issue a public report stating with particularity its reasons for the dismissal.

- 3- The gift was given by George Elmore, a well known businessman within Palm Beach County, who is also a personal friend of the RESPONDENT.
- 4- One of George Elmore's companies, Coconut Northlake, LLC, employs lobbyists and is registered in Palm Beach County as a principal/employer of lobbyists.
- 5- Over many years, Mr. Elmore has employed lobbyists for various land use issues that have come before county advisory boards and the County Commission, including one significant and high profile matter several years ago.
- 6- The RESPONDENT received the gift from a long time personal friend.
- 7- Although the donor was listed as George Elmore, the purchaser of the tickets was Hardrives, Inc., another company owned by Mr. Elmore. Hardrives, Inc. does not currently employ lobbyists.
- 8- The RESPONDENT contends the gift was from Hardrives, Inc. although his original sworn gift report names only Mr. Elmore as donor.
- 9- The RESPONDENT did not attempt to hide the transaction and properly submitted the gift on his quarterly gift report (state form 9)
- 10- In previous instances, the RESPONDENT has requested advisory opinions from the Commission on Ethics and has demonstrated his commitment to following the code of ethics.
- 11- The gift at issue is \$400.00, and a permissible gift would have been \$100.00. While the Commission does not find the amount in question to be insignificant, based on all the facts and circumstances, it does find the alleged violation to be insignificant within the meaning of sec. 2-260.3.
- 12- The RESPONDENT has voluntarily returned the prohibited portion of the gift to the donor.
- 13- Further, based upon the statements of the RESPONDENT at the initial PROBABLE CAUSE hearing, the proactive steps taken by the RESPONDENT to ensure compliance with the code of ethics in the past, the fact that no attempt was made to hide the transaction as the RESPONDENT made proper disclosure of

the gift as required by state law, and the nature of the facts and circumstances surrounding the alleged violation, the Commission finds that the alleged violation was inadvertent and unintentional.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Burt Aaronson is hereby DISMISSED and a LETTER OF INSTRUCTION is to be issued in this case.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on February 3, 2011.

Palm Beach County Commission on Ethics,

By:



Edward Rodgers, Chair



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In Re: Burt Aaronson

C10-006

LETTER OF INSTRUCTION

The Executive Director of the Commission on Ethics filed the above-captioned complaint against Burt Aaronson for violating Art. XIII, Sec 2-444(a)(gift law) of the Palm Beach County Code of Ethics. The complaint alleges that Respondent, while a Palm Beach County Commissioner, accepted a prohibited gift from the principal or employer of a lobbyist.

Facts

Respondent is and has been a county commissioner since 1992. He is a reporting individual as defined by § 112.3145(1)(a) required to submit a quarterly gift disclosure form (form 9) listing any and all gifts in excess of one hundred dollars (\$100.00) subject to specific statutory exclusions.

On October 25, 2010, Respondent signed a quarterly gift disclosure form listing a gift from George Elmore valued in the amount of four hundred dollars (\$400.00). The gift comprised two tickets to the Business Development Board Gala event held on September 11, 2010. A review of county paid lobbyist registration records, maintained by the Palm Beach County Administrator's Office through the Office of Legislative Affairs, established that one of George Elmore's companies, Coconut Northlake, LLC, employs registered lobbyists who lobby Palm Beach County. The purchaser of the tickets to the gala event was Hardrives, Inc., another company owned by Mr. Elmore. Subsequently, on January 13, 2011, Respondent filed an amended gift report listing Hardrives, Inc. as the gift donor. As of May 1, 2010, Hardrives, Inc. no longer employed registered lobbyists in Palm Beach County. Coconut Northlake, LLC employment of lobbyists is ongoing.

Holding

Art. XIII, Sec 2-444(a) states as follows:

No county commissioner or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100.00) from any person or business entity that the recipient knows is a lobbyist or any principal or employer of a lobbyist.

Respondent did accept a prohibited gift from the employer of a lobbyist in excess of one hundred dollars (\$100.00). However, the Commission on Ethics has reviewed the facts and circumstances

surrounding this alleged violation and has determined the actions of the Respondent were unintentional and inadvertent. Although Hardrives, Inc. no longer employed lobbyists at the time of the gift, one of Mr. Elmore's companies, Coconut Northlake, LLC, is the employer of registered lobbyists. In addition, the COE acknowledges the fact that George Elmore is a longtime personal friend of the Respondent and that the Respondent considered the gift tickets as being from Mr. Elmore in connection with Hardrives, Inc. Among the additional significant circumstances noted by the COE, the Respondent has previously requested advisory opinions from the COE and in doing so has demonstrated his commitment to following the code of ethics. Lastly, the COE is mindful of the fact, that Respondent in no way attempted to hide the acceptance of this gift and the premises therein as he fully complied with state gift reporting requirements, and further, that he has voluntarily returned the prohibited portion of the gift to the donor.

In light of the facts and circumstances known to the Commission on Ethics, the matter is disposed of by way of dismissal with this Letter of Instruction. Respondent is now advised that the filing of Ethics Complaint C10-006, along with this Letter of Instruction is to serve as notice of the consequences of not following gift law requirements under the Code of Ethics. While the COE finds that any alleged violation was inadvertent and unintentional, Respondent is therefore instructed to be more diligent in the future about investigating the source of any gift and to conform his activities to this Letter of Instruction and to the requirements of sec. 2-444(a) to avoid any future enforcement action.

This letter of instruction is issued by the Palm Beach County Commission on Ethics in public session on February 3, 2011.

Palm Beach County Commission on Ethics,

By:



Edward Rodgers, Chair