



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: Derick Velez

C11-012

Public Report and Final Order of Dismissal

COMPLAINANT, Pamala Lazarus, a Village of Tequesta employee, filed the above-referenced COMPLAINT on June 27, 2011, alleging a possible ethics violation involving RESPONDENT Derick Velez, an employee of the Village of Tequesta.

The COMPLAINT alleges that Derick Velez, on or about May 17, May, 22, June 1, June 4, June 8, June 13, and June 20, 2011, misused his position and authority as a Village employee by sending seven (7) emails to Village employees using the Village email system, regarding a fundraising event for a non-profit organization of which he and his wife are officers and directors, and soliciting donations for this non-profit entity by improperly using the Village email system.

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. Misuse of public office for financial benefit is prohibited pursuant to Article XIII, sec. 2-443(a) of the Palm Beach County Code.² Use of public

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.2-443. Prohibited conduct.

- (a) Misuse of public office or employment. An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the

resources for the solicitation of charitable contributions from vendors, lobbyists, principals or employers of lobbyists of a municipality .for non-profit organizations is prohibited under Article XIII, sec. 2-444(h)(3) of the Palm Beach County Code.³

On July 5, 2011 the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. The matter was investigated and presented to the Commission on Ethics on August 4, 2011 with a recommendation of NO PROBABLE CAUSE.

The Commission on Ethics reviewed the investigative report, determined that the investigation provided no reasonably trustworthy facts and circumstances for the Commission to conclude that RESPONDENT, Derick Velez, violated sec. 2-443(a) or Sec. 2-444(h)(3) of the Palm Beach County Code of Ethics, and DISMISSED the COMPLAINT on August 4, 2011, due to NO PROBABLE CAUSE.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Derick Velez is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on August 4, 2011.

Palm Beach County Commission on Ethics

By:


Edward Rodgers, Chair

exercise of reasonable care will result in a financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities.

- (1) Himself or herself;
- (2) His or her spouse or domestic partner;
- (7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.

³ Article XIII, Sec. 2-444(h)(3) Gift Law, "Officials and employees may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions described in this subsection."