



Palm Beach County Commission on Ethics

Commissioners
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Executive Director
Alan S. Johnson

In Re: Conrad Saddler

C11-017

Public Report and Finding of Probable Cause

COMPLAINANT, Alan S Johnson, Executive Director of the Commission on Ethics, filed the above-referenced COMPLAINT on August 26, 2011, alleging a possible ethics violation involving RESPONDENT Conrad Saddler, a Palm Beach County Employee.

The COMPLAINT alleges that on or between June 21, 2011 and June 25, 2011, RESPONDENT, corruptly misused his official position by copying and distributing a certification examination given by the Association of Pretrial Services Agencies (NAPSA) to the benefit of other employees of the Palm Beach County Pre Trial Services Department (PTS) who were subsequently scheduled to take the examination.

Pursuant to Chapter 8, Article XIII, Section 2-443(b) *Corrupt misuse of official position. An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.*

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a)¹ of the Palm Beach County Code of Ethics, the Commission on Ethics is empowered to enforce the county code of ethics.

On August 26, 2011, the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. The matter had been brought to the attention of COE staff by an anonymous complainant and pursuant to COE Rule of Procedure 4.1.3 a preliminary inquiry was commenced. After obtaining sworn statements from material witnesses and documentary evidence sufficient to warrant a legally sufficient finding a MEMORANDUM OF LEGAL SUFFICIENCY was filed and an investigation commenced pursuant to Article V, Division 8, Section 2-260(d). Information obtained during the inquiry was adopted into the investigation and presented to the Commission on Ethics on October 6, 2011 with a recommendation that probable cause exists that a code of ethics violation occurred. At that time, the Commission conducted a Probable Cause 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 determined that PROBABLE CAUSE exists in this matter based upon the following factors:

1. Seventeen (17) employees of the Palm Beach County Pretrial Services Section (PTS), including the Director and three (3) supervisors took a computer based examination in hopes of obtaining a national certification from the National Association of Pretrial Service Agencies (NAPSA).
2. The material covered by this examination was very extensive, and NAPSA provided approximately 1,000 pages of documents, standards, case law and other materials from which the test questions would be drawn. However, there were no practice tests, or copies of old examinations provided as reference material by NAPSA.

¹ Article V, Division 8, section 2-258(a). *Powers and Duties*. 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) Countywide Code of Ethics;
- (2) County Post-employment Ordinance; and
- (3) County Lobbyist Registration Ordinance

3. An 85% score was needed to successfully pass the examination, and PTS employees studied for nearly six-months prior to sitting for the test. RESPONDENT was assigned by the PTS Director as the "point person" to assist in gathering and distributing study materials, and assisting other employees in preparing for the test.
4. Employees generally believed taking the examination was mandatory (a belief reinforced at times by statements from supervisors and other employees).
5. The employees were scheduled to take the test on one of three (3) dates:
 - a. **Tuesday, June 21, 2011** (when seven (7) PTS employees took the examination)
 - b. **Thursday, June 23, 2011** (when an additional five (5) employees took the examination), and
 - c. **Saturday, June 25, 2011** (when the remaining five (5) employees took the examination)
6. RESPONDENT took the examination on the first available date, Tuesday, June 21, 2011. During his test, he made copies of each page of the examination. Over the next two (2) days he provided copies of his test to the PTS Director, Gun Club Center Supervisor, Main Courthouse Center Supervisor, and several other employees who were scheduled to take this examination at a later date. The multiple choice portion of the test was presented with his answers, many of which he, or other employees, researched to check the validity of those answers.
7. When the next group of employees took the examination on Thursday, it became clear that the test copied by RESPONDENT was the same as the test given on Tuesday. How many people were aware of this by the weekend when the last test was taken by five (5) employees (including the Director and a supervisor), is not clear from the interviews with employees.
8. No action was taken by the PTS organization to mitigate the inappropriate use of the test on Saturday after the Thursday examination was given and it became clear that the test given to employees by RESPONDENT was the same as that given both Tuesday and Thursday.
9. None of the employees interviewed during this investigation admitted to using the printed test to assist them while taking the actual NAPSA certification examination.
10. Prior to any testing, NAPSA sent an email to each employee taking the examination advising them of the date of their scheduled examination, and directing them to check the box at the end of the test to indicate that they had not received help from another person during the test. Each of the seventeen (17) employees that took the examination checked this box.
11. A national certification from NAPSA was a benefit to the individual employees and to PTS as an organization. Such a certification by its nature offers a presumption of competence in the field of Pretrial Services. Additionally, the County paid \$110 to NAPSA for each employee that took the examination.

We find that there are reasonably trustworthy facts and circumstances for the COMMISSION ON ETHICS to believe that the RESPONDENT violated section 2-443(b) of the Palm Beach County Code of Ethics.

Therefore it is:

ORDERED AND ADJUDGED THAT PROBABLE CAUSE exists and the COMPLAINT against RESPONDENT, Conrad Saddler, is hereby set for FINAL HEARING on ~~November 3, 2011~~ ^{February 2}, 2011.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on October 6, 2011.

Palm Beach County Commission on Ethics,

By:


Edward Rodgers, Chair