



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: Conrad Saddler

C11-017

Public Report and Final Order

COMPLAINANT, Alan S. Johnson, Executive Director of the Commission on Ethics, filed the above referenced COMPLAINT on August 26, 2011, alleging that the RESPONDENT, Conrad Saddler, misused his public position by printing and distributing a National Association of Pretrial Services (NAPSA) certification examination to other public employees who had not yet taken the examination.

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.

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.*

On August 26, 2011, the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. On October 6, 2011, in executive session, the COMMISSION ON ETHICS (COE) found PROBABLE CAUSE to believe a violation had occurred and set the matter for final hearing. On November 30, 2011, the RESPONDENT and ADVOCATE submitted a NEGOTIATED SETTLEMENT to the COE for approval. RESPONDENT stipulates to the facts and circumstances as contained in the aforementioned PROBABLE CAUSE determination.

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

According to the NEGOTIATED SETTLEMENT, RESPONDENT agrees not to contest the allegations contained in the COMPLAINT and the finding of this commission that he violated of §2-443(b) of the Code of Ethics and agrees to accept a LETTER OF REPRIMAND. Pursuant to The Commission on Ethics Ordinance §2-260.1 *Public hearing procedures*, the commission finds that the violation was intentional. The ethics commission did not assess a fine; however, RESPONDENT has been issued a LETTER OF REPRIMAND.

Therefore it is:

ORDERED AND ADJUDGED THAT this matter is concluded upon acceptance of a LETTER OF REPRIMAND.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 30, 2011.

Palm Beach County Commission on Ethics

By:


Edward Rodgers, Chair



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Alan S. Johnson

November 30, 2011

Mr. Conrad Saddler, Pretrial Counselor
Palm Beach County Justice Services & Victim Services
3228 Gun Club Road
West Palm Beach, FL 33406

Re: Complaint No. C11-017
Letter of Reprimand

Dear Mr. Saddler,

When the Commission on Ethics met in executive session on October 6, 2011, it found that probable cause existed to believe that you had violated the Code of Ethics, particularly §2-443(b), using your official position, by printing out and distributing a National Association of Pretrial Services Agencies (NAPSA) certification examination, to benefit other Pretrial Services employees who had not yet taken the examination. On November 30, 2011, you agreed not to contest the allegations that you violated §2-443(b) of the Code of Ethics entitled, "Corrupt misuse of official position." The settlement agreement in this case provides for you to accept this public reprimand.

Article XIII, § 2-443(b) Corrupt misuse of official position provides:

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.

The facts are as follows:

You are employed by the Palm Beach County Pretrial Services Department. Seventeen employees within your department were scheduled to take an examination given by NAPSA to become certified in the area of Pretrial Services. You were assigned to coordinate the examination and preparation of employees. The exam was to be administered on one of three dates; June 21, 23 and 25, 2011. This test was paid for by the County, at a cost of \$110 per employee for each of the seventeen (17) employees who sat for the examination, for a total cost of \$1,870. The successful completion of this examination would lead to the employee being awarded NAPSA Certification as a Pretrial Services Professional. NAPSA had given each test taker instructions that although the test was an "open book" examination (study materials had been provided through the NAPSA website), they were prohibited from receiving

assistance from anyone in taking the computer based examination. At the conclusion of the examination each test taker certified that they had not received such assistance. NAPSA provided over 1000 pages of study materials, however, there were no practice tests or copies of old examinations provided as reference material by NAPSA.

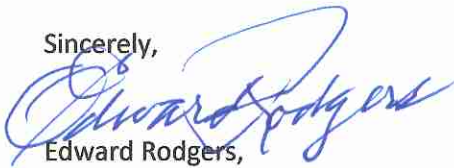
You took the certification examination on Tuesday, June 21, 2011. While taking this test, you printed out copies and attached information that you believed constituted correct answers to the test. There was no accessibility given by NAPSA to print the test as a whole document, however, you were able to print the individual pages by printing each screen separately. You then distributed copies of this document to the PTS Director, supervisors, and several employees, with the knowledge that PTS employees were scheduled to take the certification examination later in the week. Obtaining this information gave an advantage to employees who had not yet taken the examination.

Your actions constituted a violation of the Code of Ethics.

The Commission on Ethics is of the strong belief that all public employees and officials are responsible for making sure their actions fully comply with the law and are beyond reproach. As a public employee, you are an agent of the people and hold your position for the benefit of the public. The people's confidence in their government is eroded when they perceive that official actions may be based upon private goals rather than the public welfare. Violations of the Code of Ethics contribute to the erosion of public confidence and confirm the opinion of those who believe the worst about public officials.

You are hereby admonished and urged to make the respect of the people in their government your foremost concern in your future actions.

Sincerely,



Edward Rodgers,
Chairman

Copies to: John Cleary, Advocate
Dominique T. Marsh, Esquire

ER/gal