



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: Debbie Crow

C11-018

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, Debbie Crow, misused her public position by copying, personally using 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 admits to the allegations contained in the COMPLAINT that she 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

Ms. Debbie Crow, Pretrial Counselor
Palm Beach County Justice Services & Victim Services
205 North Dixie Highway
West Palm Beach, FL 33401

Re: Complaint No. C11-018
Letter of Reprimand

Dear Ms. Crow:

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), by using your official position to copy, distribute and use 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 admitted to violating §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 as a supervisor by the Palm Beach County Pretrial Services Department. Seventeen employees within PTS were scheduled to take an examination given by NAPSA to become certified in the area of Pretrial Services. 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 employees being awarded NAPSA Certification as Pretrial Services Professionals. NAPSA gave each test taker (including yourself) instructions that you were prohibited from receiving assistance from anyone in taking the computer based examination, notwithstanding that the test was an "open book" examination (study materials had been provided through the NAPSA

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website). At the conclusion of the examination, you certified that you had not received any 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 an active role in preparing employees within your office for the examination.

Conrad Saddler, a PTS employee and "point person" for the coordination of the exam, took the certification examination on Tuesday, June 21, 2011. While taking this test, he printed out copies and attached information that he believed constituted correct answers to the test. There was no accessibility given by NAPSA to print the test as a whole document, however, he was able to print the individual pages by printing each screen separately. He then distributed copies of this document to you. Upon receiving a faxed copy of these materials from Conrad Saddler, and being aware that the document was a copy of a completed test, you made additional copies of this information and distributed them to several of your subordinates at the PTS Main Courthouse location. You then used this material with your employees in a study session, knowing that you and your employees had not yet taken the examination. This information gave you and your employees an advantage over those who had taken the test on June 21st. At least one of your employees refused to use this material. The same examination was given on June 23rd and 25th. You personally sat for the examination on June 23rd.

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
Tara A. Finnigan, Esquire

ER/gal