



# Palm Beach County Commission on Ethics

## Commissioners

Manuel Farach, *Chair*  
Robin N. Fiore, *Vice Chair*

Ronald E. Harbison  
Daniel T. Galo

**Executive Director**  
Alan S. Johnson

In Re: J. Jerome Taylor

C12-003

## PUBLIC REPORT AND FINDING OF PROBABLE CAUSE

COMPLAINANT, Alan S. Johnson, Executive Director of the Commission on Ethics, filed the above-referenced COMPLAINT on May 18, 2012, alleging possible ethics violations involving RESPONDENT, J. Jerome Taylor, Chair of the City of Riviera Beach Housing Authority (RBHA).

The COMPLAINT alleges five Code of Ethics violations involving the use of RBHA funds.

COUNT 1 alleges that on or about January 20, 2012, RESPONDENT misused his official position by submitting an invoice for payment of \$950 for services provided to RBHA, claiming the funds were a reimbursement for payments RESPONDENT had made to at least two persons who completed work for RBHA, and receiving a check as payment from RBHA. No documentation or names of individuals providing the purported work were provided by RESPONDENT to verify these expenses. RESPONDENT knew or should have known through the exercise of reasonable care that the payment of \$950 constituted a financial benefit to himself, not available to the similarly situated members of the general public, in violation of Article XIII, Section 2-443(a), *Misuse of public office or employment*, of the Palm Beach County Code of Ethics.

COUNT 2 alleges that RESPONDENT, at a meeting of the RBHA held on February 13, 2012, participated and voted to accept the financial accounting submitted to RBHA, which included payment to himself in the amount of \$950, failed to disclose this financial conflict at the public meeting, failed to abstain from voting, and failed to file the required State of Florida Form 8B as required under the Code of Ethics, in violation of Article XIII, §2-443(c), *Disclosure of voting conflicts*, of the Palm Beach County Code of Ethics.

COUNT 3 alleges that on or about March 16, 2012, RESPONDENT misused his official position by directing the RBHA Executive Director to issue a check, and submitting an invoice for payment of \$1000, purportedly for services provided to RBHA, and retaining a portion of the payment, constituting a financial benefit to himself, not available to similarly situated members of the general public, in violation of Article XIII, Section 2-443(a), *Misuse of public office or employment*, of the Palm Beach County Code of Ethics.

COUNT 4 alleges that on or about March 16, 2012, RESPONDENT corruptly attempted to secure a special privilege, benefit, or exemption for himself with wrongful intent, in a manner inconsistent with the proper performance of RESPONDENT'S public duties, by retaining a portion of a \$1000 RBHA check, and purportedly designated for pest control services, in violation of Article XIII, Section 2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics.

COUNT 5 alleges that on April 10, 2012, RESPONDENT participated and voted to accept the financial accounting submitted to RBHA which included the March 16, 2012 payment of \$1000, a portion of which was retained by the RESPONDENT, and failed to disclose this financial conflict at the public meeting, failed to abstain from voting, and failed to file the required State of Florida Form 8B as required under the Code of Ethics, in violation of Article XIII, §2-443(c), *Disclosure of voting conflicts*, of the Palm Beach County Code of Ethics.

Pursuant to Chapter 8, Article XIII, Section 2-443(a), *Misuse of public office or employment* prohibits a public official or employee from using their official position to take any action, or to influence others to take any action, in a manner which he or she knows or should know, will result in a special financial benefit, not shared by members of the general public, for any person or entity listed in §2-443(a)(1-7), including him or herself, an outside business or employer or a customer or client of their outside business or employer.

Pursuant to Chapter 8, Article XIII, Section 2-443(b), *Corrupt misuse of official position* prohibits any official or employee from using 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 8, Article XIII, §2-443(c), *Disclosure of voting conflicts* states that an official shall abstain from voting and not participate in any matter that will result in a special financial benefit for him or herself. The official must not only publicly disclose the nature of the conflict when abstaining, but must also file a State of Florida conflict of interest Form 8B pursuant to the requirements of §112.3143, Florida Statutes, and submit a copy to the Commission on Ethics.

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

On May 18, 2012, the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. The matter had been brought to the attention of COE staff by a member of the RBHA 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 August 2, 2012, with a recommendation that probable cause exists that a Code of Ethics violation occurred. At

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<sup>1</sup> 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

that time, the Commission conducted a Probable Cause hearing. The Commission reviewed and considered the inquiry and investigative reports, 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.

Accordingly, we find that there are reasonably trustworthy facts and circumstances for the COMMISSION ON ETHICS to believe that the RESPONDENT violated the Palm Beach County Code of Ethics as follows:

COUNT 1, Article XIII, section 2-443(a) (Misuse of Public Office or Employment)

COUNT 2, Article XIII, section 2-443(c) (Disclosure of Voting Conflicts)

COUNT 3, Article XIII, section 2-443(a) (Misuse of Public Office or Employment)

COUNT 4, Article XIII, section 2-443(b) (Corrupt Misuse of Official Position)

COUNT 5, Article XIII, section 2-443(c) (Disclosure of Voting Conflicts)

Therefore it is:

**ORDERED AND ADJUDGED THAT PROBABLE CAUSE** exists and the COMPLAINT against RESPONDENT, J. Jerome Taylor, is hereby set for FINAL HEARING within 120 days to be coordinated between the parties.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on August 2, 2012.

Palm Beach County Commission on Ethics,  
By:   
Manuel Farach, Chair