



Palm Beach County Commission on Ethics

Commissioners

Manuel Farach, *Chair*
Robin N. Fiore, *Vice Chair*
Ronald E. Harbison
Daniel T. Galo
Patricia L. Archer

Executive Director

Alan S. Johnson

In Re: J. Jerome Taylor

C12-003

PUBLIC REPORT AND FINAL ORDER

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, Chairman 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 pest control 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*, 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, purportedly designated for pest control services, in violation of Article XIII, Section 2-443(b), *Corrupt misuse of official position*, 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*, 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 his or her 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 the public official, 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)¹ 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. On August 2, 2012, in executive session, the Commission on Ethics (COE) found PROBABLE CAUSE to believe a violation may have occurred and set the matter for final hearing as to the following alleged violations.

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)

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

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

On November 1, 2012, the Respondent and Advocate submitted a NEGOTIATED SETTLEMENT including a LETTER OF REPRIMAND to the COE for approval. RESPONDENT stipulates to the facts and circumstances as contained in the aforementioned LETTER OF REPRIMAND.

According to the NEGOTIATED SETTLEMENT and based on the facts as set forth in the LETTER OF REPRIMAND, RESPONDENT admits to the allegations contained in counts two, four and five of the COMPLAINT that he violated §§2-443(b) and (c) of the Palm Beach County Code of Ethics. RESPONDENT agrees to accept a LETTER OF REPRIMAND and to pay a total of Five Hundred (\$500) Dollars in fines and an additional Five Hundred (\$500) Dollars in restitution to the Riviera Beach Housing Authority. Counts one and three are DISMISSED. Pursuant to Commission on Ethics Ordinance §2-260.1, *Public hearing procedures*, the Commission finds that the violation was intentional. As to count two, the Commission assesses a fine of Two Hundred (\$200) Dollars; as to count four, the Commission assesses a fine of Two Hundred (\$200) Dollars; as to count five, the Commission assesses a fine of One Hundred (\$100) Dollars; and the RESPONDENT has been ordered to pay restitution in the amount of Five Hundred (\$500) and has been issued a LETTER OF REPRIMAND.

Therefore it is:

ORDERED AND ADJUDGED THAT this matter is concluded upon acceptance of the LETTER OF REPRIMAND and payment of the aforementioned Five Hundred (\$500) Dollar fine and restitution in the amount of Five Hundred (\$500) Dollars.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on this 1st day of November, 2012.

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



Palm Beach County Commission on Ethics

Commissioners

Manuel Farach, *Chair*
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Daniel T. Galo
Patricia L. Archer

Executive Director

Alan S. Johnson

November 1, 2012

Mr. J. Jerome Taylor
1906 West 23rd Street
Riviera Beach, FL 33404

Re: Complaint No. C12-003
Letter of Reprimand

Dear Mr. Taylor,

When the Commission on Ethics met in executive session on August 2, 2012, it found that probable cause existed to believe that you may have violated the Palm Beach County Code of Ethics, specifically §§2-443(a), (b) and (c). On November 1, 2012, you admitted to violating §2-443(b) of the Palm Beach County Code of Ethics entitled, "Corrupt misuse of official position", and §2-443(c) of the Palm Beach County Code of Ethics entitled "Disclosure of voting conflicts." The settlement agreement in this case provides for you to accept this public reprimand.

*Chapter 8, Article XIII, §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.*

*Chapter 8, Article XIII, §2-443(c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above.¹ The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the*

¹ §2-443(a)(5) A customer or client of the official or employee's outside employer or business.

§2-442 Definitions. Customer or client means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

The facts are as follows:

On February 13, 2012, as an appointed Commissioner of the Riviera Beach Housing Authority (RBHA), you participated and voted in an approval of a financial statement listing a payment of \$950 to you for extermination services provided to four (4) Neighborhood Stabilization Program (NSP) grant funded homes. The financial statement ratified a payment to you via RBHA check dated January 20, 2012. No service provider invoices or other verification was provided to the RBHA regarding these expenses. You had previously submitted an invoice for \$950 to RBHA for services provided at the NSP homes. The invoice indicated external work. While you subsequently provided the COE with an extermination product receipt for under \$100, RBHA records did not substantiate any of your reimbursed expenses. You submitted an additional invoice to the COE on October 11, 2012, purportedly for internal work done on the NSP homes in June, 2011; however, this invoice was also never submitted to the RBHA. In June/July, 2011, the RBHA had over \$49,000 in its operating budget.

On March 16, 2012, you submitted a \$1000 invoice for exterminating services provided by a Carlton Darville, for the RBHA offices located at 2014 West 7th Court in Riviera Beach. The submitted invoice contained false information, including fictitious contact information for Mr. Darville, the exterminator, and a false commercial exterminator's license number. When you received the RBHA check in March, 2012, you met with Mr. Darville, Jr. who cashed the RBHA check in your presence and returned \$500 to you in cash. While you have claimed in your response that the money received by you was paid to mow the lawn around the RBHA building and was given to a person named "Slim", at no time was this claim substantiated. Subsequently, on April 10, 2012, you participated and voted on the financial statement containing the \$1000 payment to Mr. Darville, Jr., which resulted in a financial benefit to you.

While the Commission is mindful of the serious health issues that caused you to be hospitalized for a significant period of time in September, 2011, you had sufficient time before and after your illness to submit the appropriate invoices for reimbursement of expenses incurred in July, 2012. However, due to the later submission of these invoices, the COE has agreed to dismiss the allegation of misuse of office for financial gain. However, of greater significance, the entire March, 2012 transaction occurred months after your release from the hospital and involved your obtaining a portion of the proceeds issued to the unlicensed exterminator. Lastly, in January and March, you submitted invoices to RBHA containing false or misleading information. These actions constitute a corrupt misuse of your position.

As an appointed official, you are prohibited from participating or voting on any issue that will result in a special financial benefit to you. Even if you were entitled to reimbursement, you cannot participate in such a discussion and vote. These voting conflicts are compounded by the fact that you submitted false or incomplete invoices to the RBHA, and at least in the March, 2012 occurrence, corruptly retained RBHA money from the transaction.

Your actions constituted three violations of the Palm Beach County 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 official, 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 Palm Beach County 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 consider the letter and spirit of the Palm Beach County Code of Ethics and apply them in all future actions as a member of any public body to which you may be a part.

Sincerely,



Manuel Farach, Chairman
Palm Beach County Commission on Ethics

MF/gal

Copies to: T. Hardee Bass, Esquire, Pro Bono Advocate