

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
Steven P. Cullen

In Re: Dean Turney

C13-004

Public Report and Final Order of Dismissal **with a Letter of Instruction**

COMPLAINANT, Bart Novak, filed the above-referenced COMPLAINT on January 30, 2013, alleging a possible violation of the Palm Beach County Lobbyist Registration Ordinance involving RESPONDENT Dean Turney.

The COMPLAINT alleges that Dean Turney conducted lobbying activities in the Village of Wellington without being properly registered as a lobbyist in the county Central Lobbyist Registration System. The Village of Wellington adopted the county Lobbyist Registration Ordinance on June 16, 2012, and since the adoption of this ordinance, requires that all lobbyists be registered in the Central Lobbyist Registration System prior to conducting lobbying activities with Village officials or staff.

COE staff determined that this COMPLAINT was legally sufficient on March 22, 2013, investigated the Complaint, and determined that there was evidence to believe RESPONDENT engaged in lobbying activities on December 18, 2012 in a meeting with Village Mayor, Bob Margolis and Village Manager, Paul Schofield concerning settlement negotiations between the Village and Mark Bellissimo/Equestrian Sports Productions. RESPONDENT was not registered as a lobbyist for these principals at the time of this meeting, although he is properly registered as a lobbyist for other principals.

Pursuant to Chapter 2, Article V, Division 8, §2-258(a)¹ of the Palm Beach County Code, the Commission on Ethics is empowered to enforce the Palm Beach County Lobbyist Registration Ordinance as it pertains to any Palm Beach County municipality, once that municipality has adopted the ordinance into law. Article VIII, §2-353, *Registration and expenditures*, of this ordinance requires any person engaging in lobbying within the Village of Wellington to register as a lobbyist.

The Memorandum of Probable Cause and Memoranda of Inquiry and Investigation, adopted by reference, were presented to the Commission on Ethics on April 4, 2013. At that time, the Commission conducted a hearing. The Commission reviewed and considered the Memoranda of Inquiry, Investigation and Probable Cause recommendation of staff, and oral statements of RESPONDENT and ADVOCATE. At that time, the Commission found that PROBABLE CAUSE existed to believe RESPONDENT violated the Palm Beach County Lobbyist Registration Ordinance, and the matter was to be set for a public hearing within 120 days.

On June 6, 2013, RESPONDENT and ADVOCATE submitted a NEGOTIATED SETTLEMENT to the Commission on Ethics for approval. Under this NEGOTIATED SETTLEMENT, RESPONDENT stipulates to the facts as set forth in the Public Report Finding Probable Cause, and as listed within the LETTER OF INSTRUCTION, that he violated Article VIII, §2-353 of the Palm Beach County Lobbyist Registration Ordinance on December 18, 2012, by failing to properly register as a lobbyist prior to engaging in lobbying activities during a meeting with the Village Mayor and the Village Manager.

¹ Article V, Division 8, section 2-258. Powers and duties. (a) 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) County Code of Ethics;
- (2) County Post-Employment Ordinance; and
- (3) County Lobbyist Registration Ordinance.
- (4) County Post-Employment Ordinance, and
- (5) County Lobbyist Registration Ordinance.

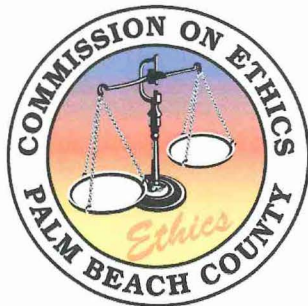
Pursuant to the Commission on Ethics Ordinance 2-260.1, *Public hearing procedures*, the Commission on Ethics finds that the violation by RESPONDENT was unintentional or inadvertent, DISMISSES the complaint, and issues a LETTER OF INSTRUCTION to RESPONDENT.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT, Dean Turney, is hereby DISMISSED and a LETTER OF INSTRUCTION is to be issued in this case.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on June 6, 2013.

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



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LETTER OF INSTRUCTION

Bart Novak (Complainant) filed the above-captioned complaint against **Dean Turney**, (Respondent) alleging violations of the Palm Beach County Lobbyist Registration Ordinance, Article VIII, §2-353. (Registration and expenditures). The complaint alleges that Respondent conducted lobbying activities within the Village of Wellington, however has not registered as a lobbyist pursuant to the Palm Beach County Lobbyist Registration Ordinance.

- **Facts**

Respondent is a registered lobbyist listed in the county's Central Lobbyist Registration System (CLRS), listing two (2) separate principals within this database. The Village of Wellington (the Village) adopted the CLRS as its sole means of registering lobbyists who lobby the Village on June 12, 2012. Respondent is not registered as a lobbyist for Equestrian Sports Productions (ESP) in the CLRS, although he is employed by ESP. Respondent described his employment with ESP as involving community and public relations and working to promote the equestrian industry throughout Palm Beach County.

On or about December 18, 2012, Respondent met with Paul Schofield, Village Manager, and Robert Margolis, Village Mayor. Respondent states that this meeting was to discuss general equestrian issues within the Village, and the possibility of having a Village sponsored PBC League of Cities monthly meeting at the Palm Beach International Equestrian Center (PBIEC), which is owned and operated by ESP. Respondent described the purpose of this meeting to COE Investigator James Poag as seeking the goodwill of Manager Schofield and Mayor Margolis as it pertained to allowing the League of Cities monthly meeting to be held at PBIEC.

Mayor Margolis stated under oath that this meeting also involved a discussion of a proposed stipulation agreement offered by ESP to end current litigation with the Village over the Equestrian Village project, and other general ESP interests concerning the Equestrian Village project, and that Respondent appeared to be seeking their acceptance of this proposed stipulation. This stipulation agreement would have to be presented for a vote before the Village Council in order to be accepted.

- **Holding**

Sec. 2-352. *Definitions*, of the Lobbyist Registration Ordinance states in relevant portion:

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

Sec. 2-260.3. ***Dismissal of complaints***, states as follows:

Notwithstanding any other provisions of this division, the commission on ethics may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the commission on ethics dismisses a complaint as provided in this subsection, the commission on ethics shall issue a public report stating with particularity its reasons for the dismissal. The commission on ethics may, at the request of the state attorney or any other law enforcement agency, stay an ongoing proceeding. The commission on ethics shall not interfere with any ongoing criminal investigation of the state attorney or the U.S. Attorney for the Southern District of Florida.

Respondent met with Village Manager and Village Mayor on December 18, 2012 and during this meeting discussed the proposed settlement stipulation and attempted to influence the acceptance of this agreement. This stipulation agreement would have to be presented for a vote before the Village Council in order to be accepted.

In light of the facts and circumstances known to the Commission on Ethics, the matter is disposed of by way of dismissal with this Letter of Instruction. The COE believes that the alleged violation was inadvertent, unintentional or insubstantial and has determined that the public interest would not be served by proceeding further. However, Respondent is now advised that the filing of Ethics Complaint C13-004, along with this Letter of Instruction, is to serve as notice that prior to taking any actions that would be construed under the Lobbyist Registration Ordinance to be "lobbying" efforts regarding the Village he is to be properly registered with the county Central Lobbyist Registration System.

Respondent is instructed to take care to properly register in the CLRS database prior to lobbying for any principal before any county or municipal official or employee that falls within the jurisdiction of the Lobbyist Registration Ordinance to avoid any future enforcement action.

This letter of instruction is issued by the Palm Beach County Commission on Ethics in public session on June 6, 2013.

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