



Palm Beach County Commission on Ethics

Commissioners
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Executive Director
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In Re: Darell Bowen

C13-007

PUBLIC REPORT AND FINAL ORDER

COMPLAINANT, Bart Novak, filed the above-referenced COMPLAINT on February 19, 2013, alleging possible ethics violations involving RESPONDENT, Darell Bowen, former Mayor of the Village of Wellington. The COMPLAINT alleges two (2) Code of Ethics violations:

COUNT 1 alleges that RESPONDENT, while Mayor of the Village of Wellington, had his assistant use a Village issued credit card to pay for two (2) tickets from the Boys and Girls Club of Palm Beach County (BGPBC) in order for he and his wife to attend the 24th Annual Wellington Dinner Dance "Le Cirque!" on December 3, 2011, in violation of Article XIII, Section 2-443(a)(1 & 4), *Misuse of public office or employment*, of the Palm Beach County Code of Ethics.

COUNT 2 alleges that RESPONDENT, after accepting tickets valued in excess of \$100, RESPONDENT failed to file a gift disclosure form, in violation of Article XIII, Section 2-444 (f) (1), *Gift law*, of the Palm Beach County Code of 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 (COE) is empowered to enforce the county code of ethics. Chapter 8, Article XIII, Section 2-443(a), *Misuse of public office or employment* 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. Section 2-444(f)(1), *Gift reports for officials and employees identified by state law as reporting individuals*, requires state reporting individuals to report gifts in accordance with state law and file a copy of each report with the COE.

After obtaining sworn statements from material witnesses and documentary evidence the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT on April 15, 2013. Information obtained during the inquiry was adopted into the investigation and presented to the Commission on Ethics on May 2, 2013. At that time, the Commission conducted a hearing. The Commission reviewed and considered the Memoranda of Inquiry,

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

Memoranda of Investigation, Memoranda of No Probable Cause and the oral statement of the ADVOCATE. At the conclusion of the hearing the Commission on Ethics made a finding of NO PROBABLE CAUSE since Darell Bowen complied with all state reporting requirements by reducing the amount of the gift with reimbursement under state reporting requirements. Although the action is permitted under state law, it is contrary to the transparency that the ethics process is designed to produce with respect to the reporting of gifts under the Code of Ethics.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT, Darell Bowen, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in executive session on this 2nd day of May, 2013.

Palm Beach County Commission on Ethics



By:

Manuel Farach, Chair