



Palm Beach County Commission on Ethics

Commissioners
Manuel Farach, Chair
Robin N. Fiore, Vice Chair
Daniel T. Galo
Patricia L. Archer

Executive Director
Steven P. Cullen

In Re:
Susan Whelchel

C13-010

Public Report Finding No Probable Cause and Final Order of Dismissal

COMPLAINANT, Patricia Dervishi, filed the above-referenced COMPLAINT on April 18, 2013, alleging a possible ethics violation involving RESPONDENT, Susan Whelchel, Mayor, City of Boca Raton.

The COMPLAINT alleges that Mayor Whelchel failed to disclose a conflict of interest concerning a business relationship that existed between developers of the Archstone Palmetto Park building project, and Whelchel Partners, a commercial real estate firm in which her children are principals, prior to voting on matters as a member of the Boca Raton Community Redevelopment Agency (CRA) regarding this project on at least two (2) occasions, as required, in violation of Sec. 2-443(c), *Disclosure of voting conflicts*, of the Palm Beach County Code of Ethics. The COMPLAINT further alleged that the actions of RESPONDENT by voting on these matters was also in violation of Sec. 2-443(a)(3), *Misuse of public office or employment*, giving a prohibited special financial benefit to Whelchel Partners, and to her children as principals of this business.

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 Code of Ethics.

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.

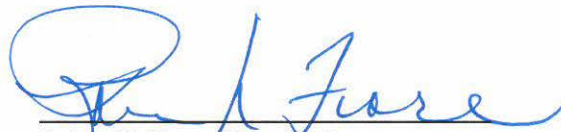
On May 3, 2013, the COMPLAINT was determined by staff to be LEGALLY SUFFICIENT. The Memorandum of Probable Cause and Memoranda of Inquiry and Investigation, adopted by reference, were presented to the Commission on Ethics on July 11, 2013. At that time, the Commission conducted a hearing. The Commission reviewed and considered the Memoranda of Inquiry, Investigation and Memo of No Probable Cause, recommendation of staff, as well as the oral statement of the ADVOCATE. At the conclusion of the hearing the Commission on Ethics found NO PROBABLE CAUSE exists and the COMPLAINT was DISMISSED.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT, Susan Whelchel, is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on July 11, 2013.

By:



Robin N. Fiore, Vice-Chair
Palm Beach County Commission on Ethics,