



Palm Beach County Commission on Ethics

Commissioners

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Michael F. Loffredo

Carmine A. Priore

Clevis Headley

Executive Director

Steven P. Cullen

In Re: Joshua Wilson

C14-010

Public Report and Final Order of Dismissal

Complainant, Steven P. Cullen, Executive Director, PBC Commission on Ethics (COE), filed the above referenced complaint on September 23, 2014, alleging that Respondent, Joshua Wilson, an employee of the City of Riviera Beach, violated §2-444(f) and §2-444(f)(2)(b) of the Palm Beach County Code of Ethics by failing to report a gift of lodging accepted from a non-prohibited source between April 2013 and October 2013 valued at greater than \$100, by November 1, 2013 as required by the Code.

Pursuant to §2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics. Respondent and Advocate entered into a negotiated settlement wherein Respondent admitted the violation of §2-444, *Gift law*, of the code of ethics for failure to timely report the acceptance of a non-prohibited gift valued at greater than \$100. The Respondent agreed to accept a Letter of Instruction and will file a Palm Beach County Gift Form for the gift within ten (10) days of the date of acceptance of this agreement by the Commission on Ethics. The Commission on Ethics agreed that the case should be dismissed with the issuance of a Letter of Instruction, and a finding that the violation was inadvertent and unintentional.

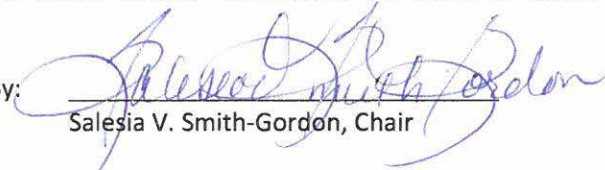
On November 6, 2014, the negotiated settlement was presented to the Commission on Ethics for approval. After reviewing the negotiated settlement and all relevant documents associated with the case, the Commission on Ethics approved the negotiated settlement and dismissed the case with a Letter of Instruction finding that the violation was inadvertent and unintentional.

Therefore it is:

ORDERED AND ADJUDGED the COMPLAINT against RESPONDENT, Joshua Wilson, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on November 6, 2014.

By:


Salesia V. Smith-Gordon, Chair

¹ 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



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LETTER OF INSTRUCTION

Steven P. Cullen, Executive Director of the Palm Beach County Commission on Ethics (COE) (Complainant) filed the above-captioned complaint against **Joshua Wilson, Employee of the City of Riviera Beach** (Respondent) alleging a violation of the Palm Beach County Code of Ethics, specifically Article XIII, §2-444(f)(Gift Law, Gift reports) and §2-444(f)(2)(b) (Gift Law, All other gifts). The complaint alleges, in part, that Respondent, while an employee of the City of Riviera Beach, accepted approximately \$4,900 in free lodging from the management of a private apartment complex located within the City of Riviera Beach and failed to file a Palm Beach County Gift Form reporting the acceptance of the gift as required.

• Facts

This matter came to the attention of the PBC Commission on Ethics (COE) staff by way of information provided by Assistant State Attorney Daniel Funk, who works within the Public Corruption Unit for the State Attorney's Office (SAO), 15th Judicial Circuit of Florida.

Mr. Funk advised that Respondent, Joshua Wilson, a Riviera Beach police officer, gave sworn testimony on two (2) separate occasions indicating that he accepted free rent from an apartment complex within the City of Riviera Beach, valued at approximately \$4,900. The sworn testimony was given as part of a federal court case involving the arrest of someone at the apartment complex.

On September 4, 2014, Mr. Funk provided several documents via email, which included copies of portions of transcripts of the testimony given by the Respondent during a Motion to Suppress hearing held on May 1, 2014 and the criminal trial that began on May 6, 2014. During those hearings, Respondent testified under oath that he accepted approximately \$4,900 in free lodging between April 2013 and October 2013. The lodging was from a non-prohibited source as the apartment management company is not a vendor, a lobbyist, principal of a lobbyist, or employer of a lobbyist that lobbies the City of Riviera Beach. However, under §2-444(f) and §2-444(f)(2)(b) of the Gift Law portion of the Palm Beach County Code of Ethics, Respondent had an obligation to report the value of the lodging as a gift on a Palm Beach County Gift Form and submit the form to COE staff by November 1, 2013. Respondent failed to file the required gift report.

• Holding

Sec. 2-444(f). *Gift law, Gift reports*, states in relevant part:

(f) *Gift reports.* Any official or employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift in accordance with this section. (Emphasis added)

Sec. 2-444(f)(2)(b). *Gift Law, All other officials and employees who are not reporting individual under state law, All other gifts, states in relevant part:*

(2)(b) All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise excluded or prohibited pursuant to this subsection, *shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year...* The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law. (Emphasis added)

(g) For the purposes of this section, *"gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration.* (Emphasis added)

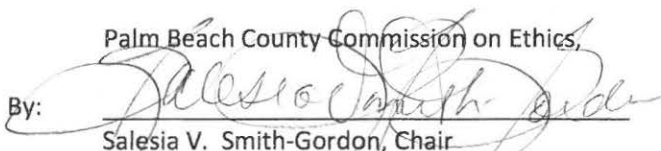
Sec. 2-260.3. *Dismissal of complaints, of the Palm Beach County Commission on Ethics ordinance states in relevant part:*

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. (Emphasis added)

Respondent did accept a gift of free lodging from April 2013 through October with an aggregate value of approximately \$4,900 from a private, non-prohibited source. Additionally, the source was not an exception to reporting requirements under §2-444(g)(1) of the Gift law. Respondent failed to file a Palm Beach County Gift Form by November 1, 2013, as required. The COE is mindful of the fact Respondent may not have recognized the lodging as a reportable gift under §2-444, *Gift law*, of the Palm Beach County Code of Ethics.

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 violation was inadvertent and has determined that the public interest would not be served by proceeding further. However, Respondent is advised that the filing of Ethics Complaint C14-010, along with this Letter of Instruction, is to serve as notice that the acceptance of gifts valued at greater than \$100 from any non-prohibited source that does not meet an exception to the gift reporting requirements must be reported timely to the COE staff pursuant to the Gift law. Respondent is therefore instructed to be more careful in the future to ensure that he follows the requirements of §2-444(f) and §2-444(f)(2)(b) to avoid any future enforcement action.

This Letter of Instruction is issued by the Palm Beach County Commission on Ethics in public session on November 6, 2014.

Palm Beach County Commission on Ethics,
By: 
Salesia V. Smith-Gordon, Chair