



# Palm Beach County Commission on Ethics

## Commissioners

Salesia V. Smith-Gordon, Chair  
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Clevis Headley

## Executive Director

Steven P. Cullen

In Re: Hal Valeche

C15-001

## LETTER OF INSTRUCTION

Steven P. Cullen, Executive Director of the Palm Beach County Commission on Ethics (COE) (Complainant) filed the above-captioned complaint against Hal Valeche (Respondent) alleging a violation of the Palm Beach County Code of Ethics, specifically Article XIII, §2-444(a)(1)(Gift Law). The complaint alleges, in part, that Respondent, a Palm Beach County Commissioner, knowingly accepted an improper gift from a person that he knows, or should know, is a lobbyist who lobbies Palm Beach County, in violation of Section 2-444(a)(1) of the Code of Ethics.

- **Facts**

This matter came to the attention of the COE staff via a State of Florida Quarterly Gift Disclosure Form (Form 9) that was signed and a copy submitted to the COE by Respondent. A copy of the Form 9 was received in the COE office on August 28, 2014. The form lists a gift of two tickets to the NPC Chamber of Commerce 2014 Leadership Awards Dinner with a monetary value of \$175 each. The tickets were given to Respondent by Donaldson Hearing (Hearing), who in 2014 was chairman of the NPC Chamber of Commerce. According to the Palm Beach County Lobbyist Registry, Hearing is a Registered Lobbyist under the name Donaldson Hearing for the lobbying firm Cotleur & Hearing, Inc.

Statements from both Respondent and Hearing show that Respondent was invited by Hearing to attend the 2014 Leadership Awards Dinner of the Northern Palm Beach County Chamber of Commerce. Respondent accepted the invitation. The cost of the event was \$175 per ticket. Respondent accepted two tickets to the event at a total cost of \$350, which is above the \$100 limit allowed in Section 2-444(a)(1) of the Code of Ethics. Respondent attended the event on May 29, 2014. He filed a Form 9 with the state, listing the two tickets to the 2014 Leadership Awards Dinner from Don Hearing of Cotleur & Hearing. A copy of the Form 9 was received by the COE on August 28, 2014.

On October 15, 2014, the COE received an amended Form 9 from Respondent. The entry listing the two tickets to the Awards Dinner were left off the resubmitted document. The investigation revealed that Respondent did not repay the cost of the gift within the 90 days allotted by Section 112.3148, Florida Statutes. The date of the event was May 29, 2014. The cost of the tickets should have been returned to Hearing by August 27, 2014, which marks the end of the 90-day period. Although Respondent repaid the cost of the tickets to Hearing, they were repaid on October 8, 2014, after the 90-day period.

- **Holding**

Sec. 2-444(a)(1). *Gift law*, states in relevant part:

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### The Historic 1916 Palm Beach County Courthouse

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No county commissioner. . . shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.

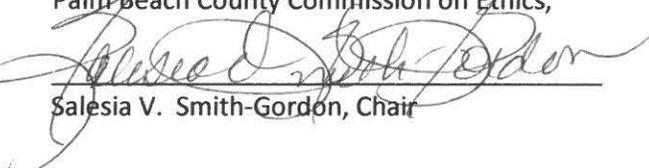
Sec. 2-260.3. *Dismissal of complaints*, of the Palm Beach County Commission on Ethics ordinance states in relevant part:

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's statement and other competent and substantial evidence provides reasonably trustworthy facts and circumstances for the Commission on Ethics to conclude that the Respondent, who is a Palm Beach County Commissioner, accepted a gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year from a person that he knows, or should know, is a lobbyist who lobbies Palm Beach County. The acceptance of the gift is alleged to be in violation of Section 2-444(a)(1) of the Code of Ethics. The COE is mindful of the fact that any such alleged violation was inadvertent and unintentional.

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 unsubstantial and has determined that the public interest would not be served by proceeding further. However, Respondent is advised that the filing of Ethics Complaint C15-001, along with this Letter of Instruction, is to serve as notice that the acceptance of any gift, with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year from a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality, is improper under the Code of Ethics. Respondent is therefore instructed to be more diligent in the future to ensure that he follows the requirements of §2-444.

This Letter of Instruction is issued by the Palm Beach County Commission on Ethics in executive session on March 5, 2015.

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