



Palm Beach County Commission on Ethics

Commissioners

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Judy M. Pierman
(Vacant)

Executive Director
Steven P. Cullen

In Re: James Rockett

C15-016

LETTER OF INSTRUCTION

Todd McLendon (Complainant) filed the above-captioned complaint against James Rockett (Respondent), Council Member of the Town of Loxahatchee Groves, alleging a violation of the Palm Beach County Code of Ethics (Code of Ethics), specifically Article XIII, §2-443(c), *Disclosure of voting conflicts*.

- **Facts**

This matter came to the attention of the Palm Beach County Commission on Ethics (COE) through a letter filed on June 3, 2015, by Complainant. The letter stated that Respondent participated in discussions on a matter when he had a voting conflict on that matter, prior to disclosing his conflict and abstaining from voting on that matter.

The investigation revealed that at the April 7, 2015 Town Council meeting, Respondent participated in a discussion on the merits of a resolution that Respondent believed he could not vote on because of a conflict of interest concerning property owned by his son situated directly south of the resolution's subject property. Respondent abstained from voting when the Town Council voted on the issue of rescheduling the resolution's public hearing, but he did not announce his potential conflict of interest or recuse himself until after he had already participated in extensive discussions on the merits of the resolution. Then, at the April 21, 2015 Town Council meeting, Respondent stated that he was recusing himself from the matter and left the dais prior to the start of the public hearing. He did not participate in the discussions or vote on the resolution at the April 21, 2015 meeting.

- **Holding**

Because Respondent believed he had a voting conflict on the matter before him, Sec. 2-443(c), *Disclosure of voting conflicts*, required that Respondent abstain from voting and not participate in the matter, publicly disclose the nature of the conflict, file a completed State of Florida Commission on Ethics Conflict Form 8B with the person responsible for recording the minutes, and file a copy of the completed form simultaneously with the COE.

Although Respondent failed to abstain from participating in the discussion on the resolution at the April 7, 2015 Town meeting, the COE is mindful that Respondent's error in participating in that discussion was ultimately corrected at the April 21, 2015 meeting, when Respondent did not participate in the discussions or vote on the resolution. At the meeting on April 7, Respondent expressed his opposition to the resolution. Since the resolution was passed 3-1, Respondent's initial error did not affect the passage of the Resolution.

The Historic 1916 Palm Beach County Courthouse

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In light of the facts and circumstances presented to the COE, the matter is disposed of by way of dismissal with this Letter of Instruction. Respondent is advised that the filing of Ethics Complaint C15-016, along with this Letter of Instruction, is to serve as notice of the consequences of not following the requirements of the disclosure of voting conflicts section of the Code of Ethics. Respondent is instructed to be more diligent in the future to ensure that he follows the requirements of §2-443(c) to avoid any future enforcement action. The Palm Beach County Code of Ethics is more stringent in requiring non participation once a decision to recuse has been made based upon a voting conflict.

This Letter of Instruction is issued by the Palm Beach County Commission on Ethics in public session on August 6, 2015.

Palm Beach County Commission on Ethics,
By: 
Michael S. Kridel, Chair