

Code of Ethics Training

FOR COUNTY AND MUNICIPAL OFFICIALS, EMPLOYEES AND
ADVISORY BOARD MEMBERS

Steven P. Cullen,
Executive Director

TRAINING OVERVIEW

- ❖ **The Commission on Ethics**
- ❖ **Ethics Decision Tree**
- ❖ **The Code of Ethics**
 - Conflicts of Interest
 - Gift Law
 - Miscellaneous Provisions
 - Complaint Process
- ❖ **Questions**

TRAINING AND OTHER FAQ'S

❖ **I just took this training, why do I have to take it again?**

- The code is just one part of the puzzle. Every month the COE hears new advisory opinions and complaints. How they interpret the code and adjudicate complaints helps COE Staff and you to better understand how and when the code applies.

❖ **The Code Promotes**

- Honest and ethical conduct in all relationships
- Protection of confidential information
- Public Trust

❖ **What if I have a concern with the Code?**

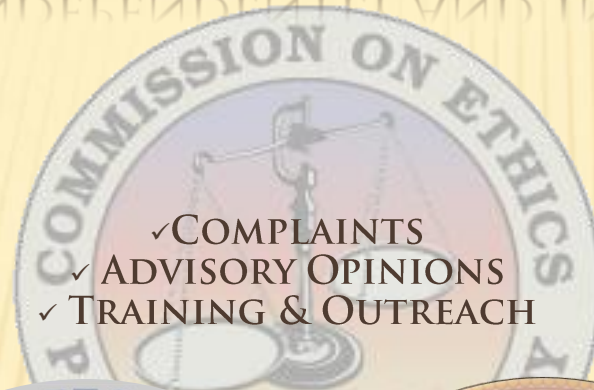
- Ask COE Staff. We are here to help/advise you.

❖ **Who does it apply to?**

- All county and municipal employees, advisory board members, and elected officials

ONE ETHICS MOVEMENT

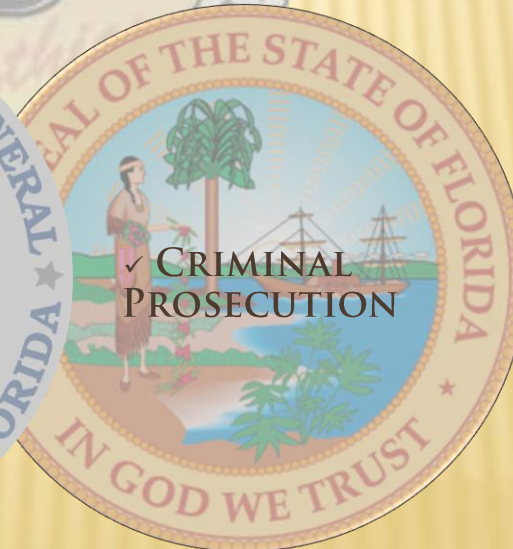
DIFFERENT CORE FUNCTIONS THAT
WORK INDEPENDENTLY AND IN CONCERT



- ✓ COMPLAINTS
- ✓ ADVISORY OPINIONS
- ✓ TRAINING & OUTREACH



- ✓ CONTRACTS
- ✓ WASTE/ABUSE & MISMANAGEMENT



- ✓ CRIMINAL PROSECUTION

**USE THE “ETHICS DECISION TREE” BEFORE YOU ACT...
ASK YOURSELF...**



Is it legal?

ETHICS DECISION TREE

Is it legal?

Does it comply
with the Code
of Ethics?

ETHICS DECISION TREE

Is it legal?

Does it comply
with the Code of
Ethics?

Does it comply
with
county/municipal
policy?

ETHICS DECISION TREE

Is it legal?

Does it comply with the Code of Ethics?

Does it comply with county/municipal policy?

Could this create problems for your department? For the people you serve?

ETHICS DECISION TREE

Is it legal?

Does it comply with the Code of Ethics?

Does it comply with county/municipal policy?

Could this create problems for your department? For the people you serve?

How would you feel if your actions appeared in the Post or on the nightly news?

THE CODE OF ETHICS

Two Standards

- **Code of Ethics**
 - Minimum Legal Standard
- **Appearance of Impropriety**
 - Good Government Standard

CONFLICT OF INTEREST

What is a conflict of interest?



- A conflict of interest occurs when an employee's personal activities or relationships interfere with how the employee does their job.
- Conflicts of interest in fact or appearance can decrease the public's trust in government.

CONFLICTS OF INTEREST MAY LEAD TO....

- ❖ Misuse of Office
- ❖ Corrupt Misuse of Official Position
- ❖ Improper Contractual Relationships (Doing Business with your Public Employer)
- ❖ Unlawful Reimbursement of Travel Expenses
- ❖ Improper Disclosure or Use of “Inside” Information
- ❖ Nepotism
- ❖ Voting Conflicts (Elected Officials and Advisory Board Members)

MISUSE OF OFFICE

Under this code section (2-443(a)(1-7), Public Employees and Officials are prohibited from using their official position in a manner that results in...

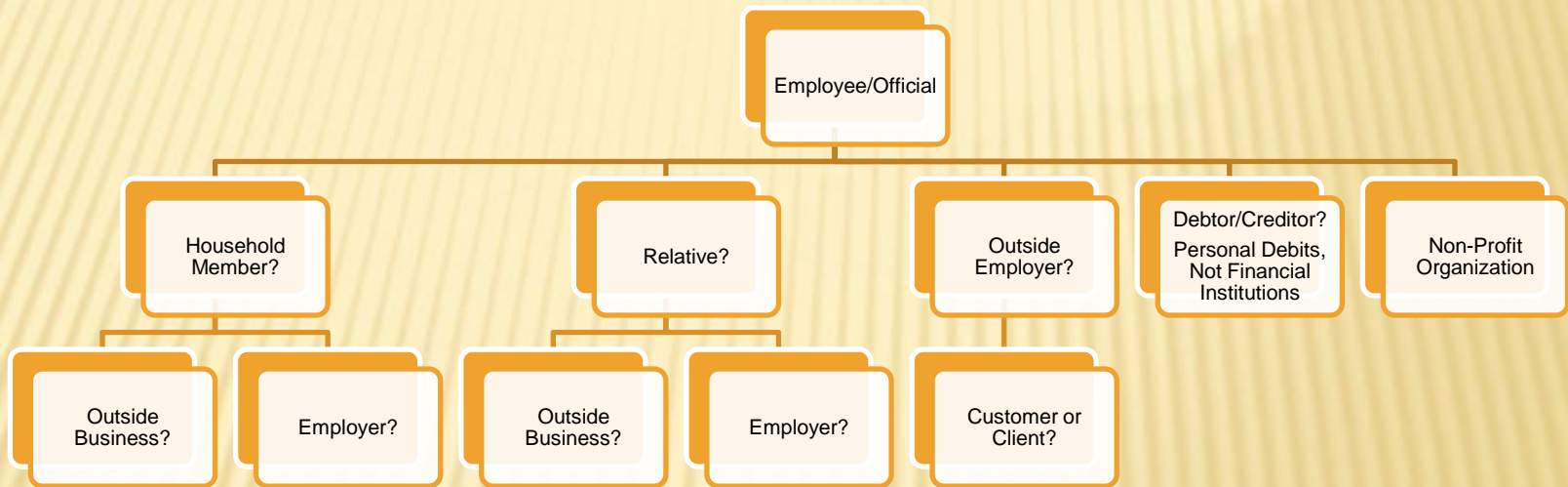
- ❖a “special financial benefit” being given to...
 - Themselves
 - A household member, spouse, domestic partner
 - Their outside business or employer
 - Their relatives
 - Their spouse/domestic partner’s employer/business
 - A customer or client of the employee/officials outside business
 - Someone who the official or employee owes more than \$10,000
 - A non-profit organization where the employee/official or their spouse serves as an officer or director

WHAT IS A “SPECIAL” FINANCIAL BENEFIT?

- ❖ **Anything** of Value
- ❖ Obtained **through** your official position (employment, advisory board membership, etc.)
- ❖ Not shared with **Similarly Situated** members of the general public
 - *Similarly Situated* means that everyone in that group is affected by a decision in the same way
 - 1% Rule (if you represent 1% or less of the group, the benefit is a “special benefit”)

MISUSE OF OFFICE

FIRST UNDERSTAND THE RELATIONSHIP



MISUSE OF OFFICE

The Code Inspector

- A code enforcement officer is assigned to inspect property owned by his sister.

Can he? (Must also consider employer's policy)

Should he? (Think about "good government")



MISUSE OF OFFICE



The Charitable Official

- An elected official serves on the board of a non-profit organization.

May the elected official vote to give government funding to the non-profit?

May the elected official use his or her title in solicitations on behalf of the non-profit?

VOTING CONFLICTS

The Vested Voter

- A landscape designer who serves on the Tree Conservation Board files a landscape plan for a new development.

May he appear before his board?

May he vote on his project?

May he speak with staff about his proposed design?



CORRUPT MISUSE OF OFFICIAL POSITION

This code section (2-443(b)), means that you cannot use your official position...

- Your official position is....your Job, board membership, elected title or official office
- ❖ ...to ***corruptly* secure...**
 - Taken with wrongful intent, and which is...
 - Inconsistent with the “proper” performance of your public duties
- ❖ ...to gain a “**special benefit**”...
 - Any benefit you or another person are not entitled to (it does not have to be a financial benefit)
- ❖ ...for **any Person (including yourself).**

CORRUPT MISUSE OF OFFICIAL POSITION

The Corruptible Car Driver

- An elected official is driving to work and gets cut off by an irresponsible driver
- The official confronts the driver who decides to call the police
- The official encourages the driver to call, stating “Go ahead *call the police*, I own the Police”

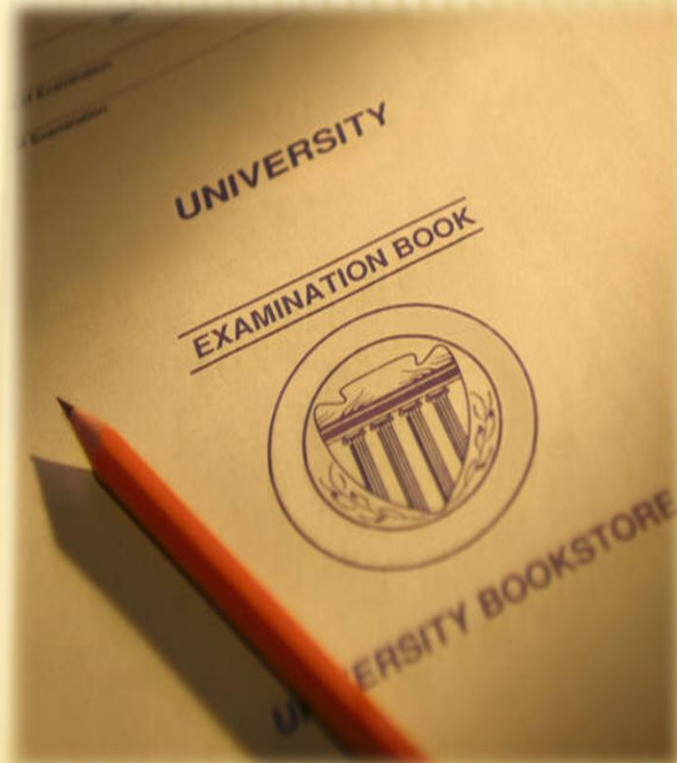


CORRUPT MISUSE OF OFFICIAL POSITION

The Tricky Test-taker

- Every employee in a county department is required to sit for a certification examination
- It is paid for by the county and administered on a Monday, Tuesday and Friday.
- A test-taker from Monday's sitting makes copies of the exam and his answers to distribute to his or her fellow employees

Is the employee in violation of the Code of Ethics?



CONTRACTUAL RELATIONSHIPS

- ❖ In general, employees and officials are prohibited from entering into a contract with the public entity they serve.
- ❖ The Code of Ethics regulates contracts you enter into in your private capacity, because of your public employment or position.
- ❖ This includes contracts between the public entity you serve, and.....
 - ...You
 - ...Your outside employer
 - ...Any business you may own (5% Rule)

EXCEPTIONS TO THE GENERAL RULE

- ❖ As the last slide indicated, under the general rule, you, your outside employer or outside business, cannot contract with your public employer....
 - ...**Unless**, you meet one of the exceptions to this rule, such as:
 - ✓ Your outside employer is another governmental entity
 - ✓ It is a sealed bid/low-bid contract (and you meet the additional requirements of this exception)
 - ✓ Emergency purchases
 - ✓ You provide the sole source of supply
 - ✓ The contract is for less than \$500 per year
 - ✓ You meet the part-time employment exception
 - ✓ For extra-duty details (Police and Fire exception)

SEALED BID/LOW BID CONTRACTS

- ❖ In order to enter into a sealed bid/low bid competitive contract with the public entity you serve, you must meet the following requirements:
 - You or any household member cannot participate in the determination of the bid specifications or the award of the bid, and
 - There can be no use of influence to persuade the governmental entity to award the bid to you, other than your submission of a bid, and
 - Prior to submission of the bid, you must file a disclosure statement with the Supervisor of Elections disclosing your conflict.

PART TIME OUTSIDE EMPLOYMENT WAIVER

- ❖ Outside employer does not have contracts that you *or* your department oversee, administer or enforce
- ❖ Part-time employment will not impair or interfere with your public job
- ❖ You did not participate in awarding the contract between your part-time employer and your government employer
- ❖ You have complied with merit rule or municipal internal policy regarding outside employment
- ❖ File a conflict of interest form with the COE
 - Must be completed under oath, and
 - Signed by your
 - ✓ Supervisor
 - ✓ Chief administrative officer (designee)

CONTRACTUAL RELATIONSHIPS

ADVISORY BOARD MEMBERS

- ❖ Employees, elected officials and advisory board members are generally prohibited from entering into a contract with the public entity you serve....
 - ...but, for advisory board members this prohibition is limited to the department(s) your advisory board oversees



EXCEPTIONS TO THE GENERAL RULE

(FOR ADVISORY BOARD MEMBERS)

In general, you cannot contract with the department(s) your advisory board oversees within your public employer ...

❖ **...Unless...**

- ✓ Your outside employer is another governmental entity
- ✓ It is a sealed bid/low-bid contract
- ✓ Emergency purchases
- ✓ You provide the sole source of supply
- ✓ The contract is for less than \$500 per year

CONTRACTUAL RELATIONSHIPS

The Concessions Project

- Your spouse owns a local concessions company that would like to bid on a County contract to provide retail, food, and beverages PBIA.

Can the company bid on this contract?



CONTRACTUAL RELATIONSHIPS

The Fire Rescue Trainer

- Fire Rescue sends out a request for proposal seeking bids for hazardous materials training at the airport.
- Three companies respond, including one owned by a city employee.

Can you hire the employee's company?



CONTRACTUAL RELATIONSHIPS

The Weekend Warrior

- A County parks and recreation employee works at Home Depot every other weekend
- The County has contracts in excess of \$500 with the Home Depot

Can the employee continue her part time employment?



TRAVEL EXPENSES

- ❖ There is an absolute **prohibition** on accepting travel expenses from a contractor, vendor, service provider, bidder or proposer...

..Unless...

- Waived by the Board of County Commissioners or Municipal governing body...

or

- The expenses are reimbursed or paid by...
 - ✓ Governmental entity
 - ✓ Organization that your employer belongs (*i.e. League of Cities*)

DISCLOSURE OF INSIDE INFORMATION

- ❖ You are prohibited from using information...
 - Gained through your job
 - Not available to members of the public
 - For your personal benefit
 - For the benefit of others



DISCLOSURE OF INSIDE INFORMATION

The Pernicious Planner

- ❖ A county planning and zoning staff member has drafted several options for the extension of a major road in the acreage
- ❖ After discussions with county commissioners and executive staff she knows that the commission has informally selected a particular plan
- ❖ This information is not available to the public

Can she purchase land surrounding the planned extension?

Can she advise someone else to purchase that land?



NEPOTISM

Employees, Officials or Advisory Board members are prohibited from ...

- ✓ Appointing, or
- ✓ Employing, or
- ✓ Promoting, or
- ✓ Advancing, or....



...advocating for these things....to benefit any relative or a spouse or a domestic partner

GIFT LAW - CODE SECTION 2-444

❖ Absolute Prohibition: \$0

- Kickbacks
- Bribes
- Tips

❖ \$100 Limit

- 📌 Vendors
- 📌 Bidders/proposers
- 📌 Lobbyists
- 📌 Principals or Employers of Lobbyists



Reporting Requirements

- 📌 Gifts in excess of \$100 per Year (Aggregate)
i.e. tickets or travel expenses

ABSOLUTE PROHIBITIONS-§2-444(E)

No person or entity shall offer, give, or agree to give an official or employee a gift of any value, and no official or employee shall accept any gift, because of:

- ❖ **An official action taken or to be taken, or which could be taken;**
- ❖ **A legal duty performed or to be performed, or which could be performed;**
- ❖ **A legal duty violated or to be violated, or which could be violated by any official or employee.**

GIFT LAW

The City Cashier

- ❖ A cashier helps a customer who is paying his water bill for several properties within the City by completing his paperwork for him.
- ❖ He is so grateful that he gives her \$20 in cash for lunch in appreciation of her help.



May she accept the money?

GIFT LAW

The Surly Server

- ❖ A waiter at a municipal golf course provides terrible service
- ❖ Nonetheless, a patron leaves him a generous tip

May he accept the tip?



GIFT LAW



The High-Rolling Vendor

- ❖ A city contractor offers to fly three IT employees to Las Vegas on a private jet one weekend to attend a car show and play golf.
- ❖ They will meet on Friday afternoon to hear about the company's products.

Can they accept?

GIFT LAW DISCLOSURE REQUIREMENTS

State Reporting Individuals

- ❖ “Local Officers” and department managers
- ❖ Quarterly Reporting Required
- ❖ Send your state form to the Florida COE, send a copy to us

Local Reporting Individuals

- ❖ Everyone else
- ❖ Yearly Reporting
- ❖ Due November 1
- ❖ Fax, Email or U.S. Mail

REPORTABLE GIFTS

The following are **exemptions** to the prohibition on gifts over \$100, but **are** reportable:

- ❖ Expenditures from business development board, tourism agencies that receive public funding (Palm Beach Film Festival)
- ❖ Ticket, pass or admission from
 - Sponsor organization (i.e., Sunfest, Mizner Park Amphitheatre)
 - Who contracts with the governmental entity you serve
- ❖ Ticket, pass or admission for
 - Public events, ceremonies, appearances (i.e., Chamber of Commerce)
 - ✓ Related to municipal/county business
 - ✓ Must be from a non-profit sponsor
 - ⊙ Cannot employ a lobbyist!
 - ⊙ Cannot be a vendor!

EXCEPTIONS TO THE DEFINITION OF GIFTS (FOR NON-STATE REPORTING INDIVIDUALS)



- ❖ Political contributions *authorized* by state/federal law
- ❖ Gifts from relatives or members of your household
- ❖ Personal gifts over \$100, if given by a personal friend or co-worker and **motivation** of gift is that friendship or social relationship
- ❖ Awards for civic/professional achievement
- ❖ Advertising materials (from vendors)
- ❖ Gift solicited for a public purpose on behalf of your employer
- ❖ Inheritance
- ❖ Registration fees or conference attendance as long as waived by BCC or your municipal governing body.

CHARITABLE SOLICITATIONS

The Philanthropic Runner

- ❖ A county employee is running a race on behalf of St. Jude Children's hospital
- ❖ She needs to raise \$2,000
- ❖ She receives a \$300 donation from Office Depot, a county vendor

Can she accept it?

- ❖ She receives a \$150 donation from her sister

Does she have to report it?



St. Jude Heroes Run For a Reason.

CHARITABLE SOLICITATIONS

If you are soliciting donations for a 501(c)3 non-profit organization you...

- ❖ Cannot use county/municipal resources
- ❖ Cannot solicit from vendors and lobbyists unless you...
 - File a Charitable Solicitation Log that...
 - ✓ Includes: name of non-profit organization, name of person or entity contacted, amount of funds solicited and pledged.
 - ✓ Filed within 30 days of the event with the COE office.
 - ✓ If not related to an event, file within 30 days of solicitation.

MISCELLANEOUS PROVISIONS

Honesty in Applications for Positions



CONTINGENCY FEES DEMYSTIFIED

Once you have discussed your accident with the lawyer at the initial consultation, he should explain his fees.

Many lawyers are paid by the hour, but personal injury lawyers often pay on a contingency fee.

STANDARD LAWYER
PAID BY THE HOUR

PERSONAL INJURY LAWYER
PAID ON CONTINGENCY FEE

WHAT IS A CONTINGENCY FEE?
Contingency fees are a percentage of the award money that is reached in a settlement or court case.

Contingent Fee Prohibition (Lobbyists)

A GUIDE TO ONLINE DISCLOSURE FORMS

| Form | Submitted to | Due |
|---|---|--|
| Outside Employment Waiver | Signature of supervisor then to COE | Prior to beginning outside employment or renewing contract |
| Ethics Training Acknowledgment - Employees | Human Resources | Upon completion of 1) training and 2) reading the code |
| Ethics Training Acknowledgement- Elected Officials and Advisory Board Members | Human Resources or Board Liaison | Upon completion of 1) training and 2) reading the code |
| Gift Forms | COE | November 1 st |
| 8b Voting Conflict | Municipal/County Clerk, Copy to the COE | Within 15 days of abstention |
| Charitable Solicitation Log | COE | Within 30 days of an event or if no event within 30 days of solicitation |
| Conflict of Interest Statement (Contractual Relationships) | Supervisor of Elections and the COE | Prior to submitting a bid |

ASK OR REPORT



Email

Ethics@palmbeachcountyethics.com



Phone

Hotline: 877-766-5960

Main: 561-355-1915



Regular Mail

300 N. Dixie Highway,

West Palm Beach, FL 33401

ASK OR REPORT: WHAT IF?

❖ **What if I reported a concern, but never heard anything back about it?**

- All matters will be addressed by COE staff, but it may not be possible for the results to be communicated back to you due to privacy/confidentiality requirements.
 - ✓ All legally sufficient complaints are private and not subject to public records requests until a preliminary hearing has been conducted by the Commission
 - ✓ Remember if you report activity anonymously we cannot follow up with you.

❖ **What if I am asked to cooperate in an investigation? Must I participate?**

- Yes to a certain extent.

❖ **What if my manager tells me to do something in violation of the code, and I am afraid of retaliation if I speak up?**

- In this situation, contact ethics staff. Retaliation for a report made in good faith is a violation of the Code of Ethics.

ENFORCEMENT OF VIOLATIONS

- **Civil enforcement:** Letter or reprimand, restitution, \$500 fine for each violation (government may void or rescind contracts, terminate or discipline employees)
- **Criminal enforcement:** Knowing and willful violations punishable as first degree misdemeanors (up to 1 year in jail and a \$1000 fine)

REVIEW:

First:

In considering ethics matters, ask first:

- ❖ Is it legal, does it comply with the Code of Ethics, does it comply with employer's policy, could this create problems and how would media portray this?

Prohibited activities:

A conflict of interest...

- ❖ Occurs when an employee's personal activities or relationships interfere with how they do their job.

Conflicts may lead to...

- ❖ Misuse of office, corrupt misuse of official position, improper contractual relationships, unlawful reimbursement of travel expenses, use of insider information, nepotism and voting conflicts.
(Each of these terms has legal meaning).

Corrupt misuse of official position...

- ❖ You cannot use your job to corruptly secure a special benefit for any person. (Each of these terms has legal meaning).

REVIEW CONTINUED:

Gift Law:

- ❖ There is an absolute prohibition against accepting kickbacks, bribes or tips.
- ❖ \$100 limit applies to accepting gifts from vendors, bidders, lobbyists or principals of lobbyists.
- ❖ You must report gifts with an aggregate value exceeding \$100 per year.
- ❖ Political contributions, personal gifts, awards, inheritance and conference fees paid by your employer are all exceptions to the gift law.

REVIEW CONTINUED:

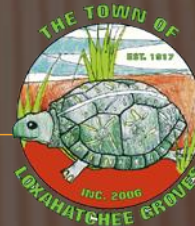
Miscellaneous Provisions:

- ❖ You must be honest in application for position.
- ❖ Lobbyists may not accept contingent fees.

Advisory board members/elected officials:

- ❖ Know the voting conflict rules.

In matters of ethics, ASK and TELL!





PALM BEACH COUNTY COMMISSION ON ETHICS

“Honesty, Integrity, Character”

ETHICS

“Ask First, Act Later”

Call Us: *HOTLINE: 877-766-5920*

Email Us: *Ethics@palmbeachcountyetics.com*

Visit Us: *www.PalmBeachCountyEthics.com*

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**The Historic 1916 Palm Beach County Courthouse
300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401**