



**Palm Beach County
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News Release

For Immediate Release
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Summary of Palm Beach County Commission on Ethics Meeting Held on February 7, 2013

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on February 7, 2013.

The COE heard three complaints in executive session. All documents pertaining to C12-015, C12-016, and C13-003 are published on the COE website at <http://www.palmbeachcountvethics.com/complaints.htm>. The COE took the following action:

C13-003: The COE dismissed this complaint for no legal sufficiency.

C12-015: The COE issued a finding of probable cause and final order of dismissal. After review of staff's investigation, documentary submissions, written response of the respondent and the oral statements of the respondent and advocate, the COE determined that there are reasonably trustworthy facts and circumstances to believe that Mr. Robert Margolis, Mayor of the Village of Wellington, may have violated §2-444(a)(1)(gift law) of the Palm Beach County Code of Ethics. At the conclusion of the hearing the COE dismissed the case with a letter of instruction because although there was probable cause to believe a violation had occurred, the alleged violation was inadvertent and unintentional.

C12-016: The COE issued a finding of probable cause and final order of dismissal. After review of staff's investigation, documentary submissions, written response of the respondent and the oral statements of the respondent and advocate, the COE determined that there are reasonably trustworthy facts and circumstances to believe that Ms. Victoria McCullough, principal of a lobbyist who lobbies the Village of Wellington, may have violated §2-444(a)(2)(gift law) of the Palm Beach County Code of Ethics. At the conclusion of the hearing the COE dismissed the case with a letter of instruction because although there was probable cause to believe a violation had occurred, the alleged violation was inadvertent and unintentional.

Three (3) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountvethics.com/ethics/opinions.htm>.

RQO 12-077: A Palm Beach County Housing Finance Authority board member asked whether he was prohibited from serving on the board if his outside employer had contracts with Palm Beach County.

The COE opined as follows: The HFA is a dependant special district, independent of county and municipal government. Therefore, HFA is not within the jurisdiction of the Commission on Ethics (COE). However to the extent that a member of the HFA is appointed by the BCC, the HFA board member is considered an "Official" as defined by the Code. Therefore, under the Palm Beach County Code of Ethics (the Code) the board member is subject to the contractual relationship prohibitions of section 2-443(d). This section prohibits an official from contracting with the governmental entity that appointed the board member to their current position.

As an independent entity, the HFA is not an advisory board as defined by the Code. Therefore, contract conflict waiver provisions applicable to advisory board members do not apply. As a member of the HFA, the board member's outside employer would be prohibited from contracting with Palm Beach County.

RQO 12-083: A Town Attorney asked whether an elected official is prohibited from voting on changes to zoning regulations relating to a five acre area where an employee who works for the official's outside employer is a part-owner of two restaurants within the plan area.

The COE opined as follows: Elected officials are prohibited from using their official position, participating or voting on an issue that would give a financial benefit to their outside employer, not shared with similarly situated members of the general public. There is no bright line as to whether a contingent financial benefit creates a conflict. In evaluating conflict of interest under the Palm Beach County Code of Ethics, the Commission considers 1) the number of persons who stand to gain from a decision and 2) whether the gain or loss is remote and speculative. Based upon the facts and circumstances provided, including the limited class of persons or entities that stand to gain from the proposed ordinance and the incentives provided by the PUD designation, the potential financial benefit to the restaurant owner is not so remote and speculative as to eliminate a conflict of interest under the Palm Beach County Code of Ethics

RQO 13-001: A Boca Raton advisory board member asked whether his outside employment as a coastal engineer with a firm that performs engineering work for the Florida Inland Navigation District (FIND) creates a conflict with his service on the City of Boca Raton Marine Advisory Board (MAB).

The COE opined as follows: Advisory board members are prohibited from participating or voting on an issue that would give a special financial benefit to themselves, their outside employer or a customer or client of their outside employer, not shared with similarly situated members of the general public. While each issue coming before the City of Boca Raton Marine Advisory Board (MAB) will need to be examined individually for any conflict issues, the Code of Ethics (the Code) does not prohibit the member from serving on the MAB.

In cases where a recommendation from MAB to the City Council may result in a special financial benefit to the advisory board member's outside employer or a customer or client of his outside employer, he must publicly disclose the nature of the conflict, file the required state disclosure form, refrain from voting and not participate in, or otherwise influence the process.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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