



Honesty - Integrity - Character

**Palm Beach County
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For Immediate Release

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June 2, 2017

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Summary of Palm Beach County Commission on Ethics Meeting Held on June 1, 2017

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on June 1, 2017.

One complaint was heard in executive session. The complete file is published on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>.

C16-008: The COE reviewed and considered the investigative report, the probable cause recommendation, and the statements of the COE advocate and respondent. The COE found that probable cause existed. A final hearing will be set within 120 days.

Three advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>

RQO 17-007: A Palm Beach County employee asked if a conflict of interest would arise for him if he is appointed to the Infrastructure Surtax Independent Citizen Oversight Committee and the Charter Review Board for the City of Riviera Beach.

The COE opined as follows: The Code of Ethics does not prohibit him from serving on either advisory board, as these board memberships do not create a *per se* conflict of interest with his county employment. He may not use his official position as a municipal advisory board member or as a county employee in any way to give a special financial benefit to himself or to any of the prohibited persons or entities listed in §2 443(a). In addition, because he would have the ability to participate in discussions as well as to vote on matters before these board, as a member of either advisory board, he may neither participate in nor vote on any matter that will give a special financial benefit to himself or any of the persons or entities listed in §2-443(a).

RQO 17-008: An applicant for the director position with Palm Beach County's Department of Economic Sustainability (DES) asked several questions.

- (1) Would a conflict of interest arise for him if he became the director of DES when the county provides grants to the Riviera Beach Community Redevelopment Agency and Riviera Beach Community Development Corporation, of which he previously served as the executive director and the president, respectively?

The COE opined as follows: His past employment with the CRA and the CDC does not create a conflict of interest for him, even when the county provides grants to both organizations

- (2) Would a conflict of interest arise for him if he continues to serve on the Palm Beach North Chamber of Commerce (PNCC) board of directors?

The COE opined as follows: If he continues to serve on the PNCC board of directors, he would be prohibited from using his official position as the director of DES in any way to give a special financial benefit to PNCC.

- (3) Would a conflict of interest arise for him if he continues to serve as a member of the BB&T Bank's Community Advisory Board and receives compensation for his board service?

The COE opined as follows: Since BB&T compensates him for his service on the advisory boards, BB&T would be considered his outside employer. If he continues to serve on the advisory board, he would be prohibited from using the position of director of DES in any way to give a special financial benefit to BB&T.

- (4) May he accept the payment of travel expenses from Community Reinvestment Fund (CRF), of which he serves as a board member?

The COE opined as follows: If he continues to serve on the CRF board, he would be prohibited from using the position of DES director in any way to give a special financial benefit to CRF. If CRF is a county contractor, vendor, service provider, bidder or proposer, in order for him to be

reimbursed for the travel expenses, the expense must be waived by the Board of County Commissioners. If CRF is not a county contractor, vendor, service provider, bidder or proposer, then the Code does not prohibit him from accepting payment of travel expenses from CRF, but he may have to report the travel expenses on his annual Palm Beach County gift form.

(5) May he continue his service on the board of directors for the New Markets Tax Credit Coalition (NMTCC) under his company name?

The COE opined as follows: The Code does not prohibit him from continuing his board service in his private capacity. However, if he continues to serve on the NMTCC board of directors, he would be prohibited from using the position of director of DES in any way to give a special financial benefit to NMTCC.

(6) Would his outside businesses, T. Brown Consulting Group (TBCG) and TBCG Capital Group, create a conflict of interest for him while serving as the director of DES?

The COE opined as follows: He is prohibited from using the director of DES position in any way to give a special financial benefit to TBCG and TBCG Capital Group. He is also prohibited from soliciting business during his county work hours and from identifying himself as a county employee, including providing any written or oral communication using his title or position, to attempt to obtain a customer for his outside businesses. Further, he would be prohibited from providing any funding, directly or indirectly, through DES to a project in which he has a financial interest. TBCG and TBCF Capital Group are prohibited from entering into any contract with the county, directly or indirectly, unless one of the six enumerated exceptions in Sec. 2-443(e) applies. Finally, he is prohibited from using any information gained through the position of DES director for his outside business' benefit, or to benefit any other person.

RQO 17-009: A Lake Worth city commissioner asked what prohibitions would exist for him as a commissioner when he is employed with Adopt-A-Family of the Palm Beaches (AAF) in his private capacity and AAF has matters presented before the City Commission?

The COE opined as follows: The Code of Ethics prohibits him from using his official position as a city commissioner in any way to give a special financial benefit to AAF. Additionally, if AAF has a matter before the City Commission that would give a special financial benefit to AAF, he is prohibited from both participating in discussions on the matter and voting on the matter. He is also prohibited from acting as a city commissioner to attempt to influence city staff in their recommendation to the City Commission regarding matters where AAF would receive any special financial benefit. Finally, as a city commissioner, he is prohibited from wrongfully securing any special benefit for anyone, including AAF.

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

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