



Honesty - Integrity - Character

**Palm Beach County
Commission on Ethics**

The Historic 1916 Courthouse
300 N. Dixie Hwy, Suite 450
West Palm Beach, FL 33401
561.355.1915

FAX: 561.355.1904

Hotline: 877.766.5920

E-mail:

ethics@palmbeachcountyetics.com

Commissioners

Michael S. Kridel, Chair
Sarah L. Shullman
Bryan Kummerlen
Rodney G. Romano
Peter L. Cruise

Executive Director

Mark E. Bannon

General Counsel

Christie E. Kelley

Intake & Compliance Manager

Gina A. Levesque

Chief Investigator

Anthony C. Bennett

Investigator

Abigail Irizarry

News Release

For immediate release:
Contact:

March 2, 2018
Mark E. Bannon, Executive Director
(561) 355-1937

Summary of Palm Beach County Commission on Ethics Meeting Held on March 1, 2018

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on March 1, 2018.

Rodney Romano, Peter Cruise, and Michael Kridel were sworn in as COE commissioners by Chief Judge Krista Marx. Commissioner Kridel was reappointed to the COE by the Palm Beach County Chapter of the Florida Institute of Certified Public Accountants. Commissioner Romano and Commissioner Cruise were newly appointed to the COE by the Palm Beach County League of Cities and the President of Florida Atlantic University, respectively.

Two complaints were heard in executive session. The complete files are published on the COE website at: <http://www.palmbeachcountyetics.com/complaints.htm>.

C17-009: After considering the investigative report, probable cause recommendation, and negotiated settlement between the COE advocate and respondent, the COE issued a letter of instruction finding the violation was unintentional, inadvertent, or insubstantial and dismissed the complaint.

C17-020: After considering the investigative report, probable cause recommendation, and statements of the COE advocate, the COE found probable cause did not exist and dismissed the complaint.

Four advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyetics.com/opinions.htm>. Advisory opinion RQO 17-021 was tabled for revision and discussion at the April 2018 COE meeting.

RQO 18-001: A para-transit driver for First Transit, Inc. (FT), a vendor of the county, asked if his employment with FT prohibits him from serving as a member of the Palm Tran Service Board (PTSB).

The COE opined as follows: As an official, the code prohibits his outside employer from having any contracts with the county. However, this prohibition does not apply if the board does not have contract oversight regarding the subject contract. Here, because PTSB makes policy-setting recommendations regarding the contract between FT and the county, the PTSB is considered to have contract oversight. He is prohibited from serving on the board and must decline the appointment.

RQO 18-002: A county employee asked if the code prohibits him from bidding on and being awarded a contract to provide concessionaire services to Palm Beach County, his public employer.

The COE opined as follows: The code prohibits him or his outside business from contracting with the county, his public employer, unless an exception applies. Here, an exception does not apply. As an owner of the outside business entering into the contract with the county he is not eligible for a part-time employment waiver; he and his business are not the sole source of concession services in the county; the concession services would not constitute an emergency purchase; the contract between him or his business and the county would exceed \$500; and the bid is not following the sealed bid/low bid process.

RQO 18-003: The owner of MooreCars, LLC, asked if a prohibited conflict of interest would exist for her if she were to serve as a member of the Palm Tran Service Board (PTSB) when MooreCars is a vendor of First Transit, Inc. (FT), which is a vendor of the county.

The COE opined as follows: She would be prohibited from using her official position as a member of the PTSB, or influencing others, in any way to give a special financial benefit to herself, to MooreCars, or to any customer or client of MooreCars, including FT. Further, if a matter before the PTSB would result in a special financial benefit for her, MooreCars, or any customer or client of MooreCars, she must publicly disclose the nature of the conflict, abstain from discussing and voting in the matter, and complete and file a State of Florida Commission on Ethics Voting Conflict Form.

RQO 18-006: The Palm Beach County League of Cities appointee to the COE asked if his outside business and employment as a mediator, which may include providing mediation services involving cases in which the county is a party, create a conflict of interest for him if he were to serve as a COE commissioner.

The COE opined as follows: As an official, his outside business, Matrix Mediation, is prohibited from having any contracts or transactions for services with the county. However, this prohibition does not apply if the board does not have contract oversight regarding the subject contract. Here, the COE does not provide any regulation, oversight, management, or policy-setting recommendations regarding any contracts or transactions between Matrix Mediation and the county. Therefore, he is not prohibited from serving on the COE, but he must publicly disclose the existence of the contract or transactions at the time of his appointment or when any subject contracts or transactions are approved.

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

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