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News Release

For Immediate Release
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Summary of Palm Beach County Commission on Ethics Meeting Held on January 10, 2013

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on January 10, 2013.

The COE heard three complaints in executive session. All documents pertaining to C12-009 are published on the COE website at <http://www.palmbeachcountyethics.com/complaints.htm>. The COE took the following action:

C12-009: The COE made a finding of no probable cause and dismissed the complaint.

C12-015: The COE tabled this matter for further review.

C12-016: The COE tabled this matter for further review.

Four (4) advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/ethics/opinions.htm>.

RQO 12-080: A municipal employee asked whether she was prohibited by the Code of Ethics (the Code) from considering and awarding a bid submitted by her brother-in-law.

The COE opined as follows: Municipal employees are prohibited from using their office to give certain persons or entities a special financial benefit not shared with similarly situated members of the general public. An employee's brother-in-law is not among the persons and entities specified in §2-244(a)1-7. That being said, the issue of an appearance of impropriety is clearly present in such an arrangement.

Although matters of internal policy and procedure are not normally subject to COE jurisdiction, the COE recommends that should the employee's brother-in-law submit a proposal, another member of her staff or another department supervisor review the specifications and issue the award.

RQO 12-081: A Village Councilman asked whether he was prohibited by the Palm Beach County Code of Ethics (the Code) from accepting employment with the Palm Beach County Sheriff's Foundation, a 501(c)3 Non-Profit Charitable Organization (the Foundation).

The COE opined as follows: Based upon the facts submitted, the councilman is not prohibited under the Code from accepting employment with a non-profit charitable organization. However, as an elected official he is prohibited from using his official position as a Village Councilman to give a special financial benefit, not shared with similarly situated entities in the community, to his outside employer. Lending his name *and* official title to the Foundation's fundraising effort would *per se* constitute using his elected office to specially financially benefit the Foundation. This applies to him, as well as anyone indirectly soliciting on his behalf. Therefore, his participation in fundraising for the Foundation would need to be in his personal name without title or connection to his official village position.

RQO 12-082: A Town Attorney asked whether an elected official is prohibited from voting on a "cure plan" proposed by Town staff and the Florida Department of Transportation 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 special financial benefit to themselves, their outside employer or anyone who is known to the official to work for that outside employer, not shared with similarly situated members of the general public. All existing and potential businesses are affected equally by plan. Accordingly, there is no prohibited special financial benefit based on the facts presented and the councilman is not prohibited from voting on this matter.

RQO 12-085: A Village Councilman asked whether, as a member of a 501(c)(3) charitable organization, he may volunteer to serve on an ad hoc committee of that organization to review student applications and interview students for the purpose of awarding college scholarships. The committee will not be involved in fundraising activities.

The COE opined as follows: Provided that the official does not corruptly use his official position to offer or obtain a *quid pro quo* or otherwise specially financially benefit persons or entities listed in the misuse of office section of the Palm Beach County Code of Ethics, the Code does not prohibit him from volunteering for a non-fundraising ad hoc committee of a charitable organization in either his personal or official capacity.

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

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