



**Palm Beach County
Commission on Ethics**
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News Release

For Immediate Release

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July 10, 2015

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Summary of Palm Beach County Commission on Ethics Meeting Held on July 9, 2015

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on July 9, 2015.

Commissioner Michael Kridel was elected chair and Commissioner Clevis Headley vice chair.

Two complaints were heard. C15-015 was heard in executive session, and C15-018 was heard in public session. All documents pertaining to both complaints are published on the COE website at <http://www.palmbeachcountvethics.com/complaints.htm>.

C15-015: The COE found no probable cause and issued a public report and final order of dismissal. The COE reviewed and considered the investigative report, the statement and probable cause recommendation of the COE advocate, the statement made by the respondent, and the COE dismissed the matter.

C15-018: The COE found no probable cause and issued a public report and final order of dismissal. The COE reviewed and considered the investigative report, the statement and probable cause recommendation of the COE advocate, and the COE dismissed the matter.

Ten advisory opinions were approved. The full opinions are published and available at:

<http://www.palmbeachcountvethics.com/opinions.htm>

RQO 15-021: A City of Delray Beach employee asked if a prohibited conflict of interest would exist for her if her husband's business sells saw blades to the city's fire rescue department, when her husband's business is the sole source of a trademarked blade.

The COE opined as follows: The Palm Beach County Code of Ethics (Code) prohibits a business of which a member of the employee's household has at least a five percent ownership share from contracting with the city. Thus, her husband's business may only enter into a contract or a transaction to provide saw blades to the city if one of the exceptions to the contractual relationship prohibition applies. Since her husband's business is the sole source of the trademarked EXTRACTOR Rescue Blade, that product meets the sole source exception, and a conflict of interest would not exist if his business sells that product to the city. For the other products that her husband sells which do not meet the sole source exception, the Code provides an exception for contracts or transactions totaling less than \$500 per calendar year. Finally, the Code provides an exception for contracts awarded under a system of sealed, competitive bidding, where the lowest bidder is selected.

RQO 15-022: A City of Delray Beach employee asked if he would have a prohibited conflict of interest if he assists his mother in entering into an arrangement with AKA Services, Inc. for use of his mother's property to store equipment and materials for a neighborhood improvement project in exchange for tree removal services and restoration of the property when the project is completed.

The COE opined as follows: The employee would not have a prohibited conflict of interest. Based on the facts submitted, the contractor and project manager chose the property on their own. They were not approached by the city employee, and the city employee did not use his official position to arrange this opportunity for his mother. The property was selected solely because it was at a convenient location and was already being used by another company for storage. If the city employee assists his mother in entering into an arrangement with AKA Services, Inc., he will not be using his official position to give a special financial benefit to himself or his mother, and a prohibited conflict of interest would not exist for him. Under these facts, the city employee would not violate the Code's contractual relationship prohibition because he would not be entering into a contract with the city. His mother would be entering into an agreement with AKA Services, Inc. for the temporary use of her property in exchange for tree removal services and restoration of the property when the project is completed.

RQO 15-023: A Town of Juno Beach employee asked if town employees may accept tickets from the Northern Palm Beach County Chamber of Commerce for events in the community.

The COE opined as follows: Since the Northern Palm Beach County Chamber of Commerce is not a vendor, lobbyist, or principal or employer of a lobbyist in the Town of Juno Beach, there is no

prohibition on the amount of a gift. So long as there is no "quid pro quo" or special treatment or other privilege given or obtained by the Northern Palm Beach County Chamber of Commerce in exchange for tickets to the events, employees of the Town of Juno Beach may accept these gifts from the Northern Palm Beach County Chamber of Commerce. An employee must only report the gift of the tickets if the total value of the tickets given to that employee from the Northern Palm Beach County Chamber of Commerce exceeds \$100.

RQO 15-024: The attorney for the Delray Beach Community Redevelopment Agency (CRA) asked (1) if a CRA commissioner who serves on the board of directors for a not-for-profit entity is prohibited from voting on a matter that comes before the CRA involving agreements, services, financial assistance, or any other matter related to that not-for-profit entity, when the bylaws for the not-for-profit entity require that a CRA commissioner serve on its board of directors, and (2) if a CRA commissioner is prohibited from voting on a matter that comes before the CRA involving agreements, services, financial assistance, or any other matter related to a not-for-profit entity of which the CRA commissioner serves as a liaison.

The COE opined as follows: (1) A CRA commissioner who serves on the board of directors for a not-for-profit entity is prohibited from voting on, as well as discussing or participating in, any matter that comes before the CRA involving that not-for-profit entity if the vote would result in a special financial benefit to that entity. (2) A CRA commissioner who merely serves as a non-voting liaison to a not-for-profit entity is not prohibited from voting on a matter related to that not-for-profit entity as long as none of the prohibited persons or entities listed in Sec. 2-443(a) of the Code would receive a special financial benefit.

RQO 15-025: A commissioner for the City of Riviera Beach asked if his appointment to the board of directors of the Palm Beach Metropolitan Planning Organization (MPO) by the City of Riviera Beach would create a prohibited conflict of interest for him because of his public employment with Palm Beach County as a transit planner for Palm Tran.

The COE opined as follows: His appointment to the MPO board of directors, his employment with Palm Beach County as a transit planner for Palm Tran, and his position as a commissioner for the City of Riviera Beach would not create a prohibited conflict of interest because the MPO, the City of Riviera Beach, and Palm Beach County are all governmental entities and not among the prohibited persons or entities under Sec. 2-443(a).

RQO 15-026: The chairperson of two political action committees (PAC) asked if a conflict of interest would arise for her if she ran for a political office.

The COE opined as follows: The COE has jurisdiction over all Palm Beach County and municipal employees, elected officials, and appointed officials. Because she is not a Palm Beach County or municipal employee, elected official, or appointed official, she is not under the jurisdiction of the COE. The COE does not have jurisdiction over PAC members. COE Rule of Procedure 2.2 states, in relevant part, that only persons who are under the jurisdiction of the Code of Ethics may request an advisory opinion regarding the interpretation or application of the Code of Ethics. As such, the COE cannot comment on any potential conflicts of interest if she runs for office while serving as chairperson of two PACs.

RQO 15-027: The attorney for the City of Riviera Beach asked if Councilman Terence Davis could donate community benefit funds for a program at a local church of which he is a member without violating the Code.

The COE opined as follows: The Code does not prohibit Councilman Davis from donating community benefit funds for a program at St. James Missionary Baptist Church, where neither he nor his spouse is a director or officer of the church, so long as the funds collected are taken into the general revenue funds for the city, and the distribution of these funds to the church is determined to be for a "public purpose."

RQO 15-028: A member of the Palm Beach County Library System's Library Advisory Board (LAB) asked (1) if her service on LAB prohibits her grandchild from being hired by Palm Beach County to work in the Library System, and (2) would a prohibited conflict of interest arise with her continued service on LAB if her grandchild is hired by the Palm Beach County Library System.

The COE opined as follows: (1) Her service on LAB does not prohibit her grandchild from being hired to work in the library system. However, she must take great care to avoid using her official position to influence others to hire her grandchild. (2) If her grandchild is hired to work in the library system, a prohibited conflict of interest would not exist if she remains a member of LAB so long as she does not use her official position to give a special financial benefit to her grandchild or use her position in an improper manner to obtain a benefit for her grandchild.

RQO 15-029: The attorney for the City of Riviera Beach asked if "participation" in a matter by an elected official who has a voting conflict concerning that matter is a violation of the Code, even though the official abstained from voting.

The COE opined as follows: Participation in a matter by an elected official who has a voting conflict concerning that matter is a violation of Sec. 2-443(c), even if the official abstained from voting. Under the Code, even if the official abstains from voting, an elected official is prohibited from participating in any matter which would give a special financial benefit to any of the persons or entities specified in Sec. 2-443(a)(1-7).

RQO 15-030: A City of Delray Beach employee asked if the city issued a competitive bid for police department-leased vehicles, would a prohibited conflict of interest arise for a city police information specialist who is the daughter of one of the owners of a company that has submitted a bid, if that company is awarded the bid.

The COE opined as follows: A prohibited conflict of interest would not arise, as long as the employee complies with the following cautions and requirements. Generally, the contractual relationships provision of the Code would create a prohibited conflict of interest where a business owned by an employee's father contracts with the municipality. However, because the bid here is awarded by the city under a system of sealed, competitive bidding to the lowest bidder, as long as the employee complies with the three additional requirements of Sec. 2-443(e)(1), the exception applies. These requirements include not participating in the bid specifications or the award of the bid, not using influence to persuade the award of the bid, and filing a disclosure statement with the Supervisor of Elections and the COE.

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