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Palm Beach County

Commission on Ethics

300 North Dixie Highway, Ste 450

West Palm Beach, FL 33401

561.355.1915

Hotline: 877.766.5920

E-mail: ethics@pbcgov.org

Commissioners

Michael S. Kridel

Peter L. Cruise

Michael H. Kugler

Rodney G. Romano

Kristin A. Vara-Garcia

Executive Director

Christie Kelley

General Counsel

Rhonda Giger

Intake & Compliance Manager

Gina A. Levesque

Education & Communications Manager

S. Lizabeth Martin

Investigator

Mark A. Higgs

Investigator

Abigail Irizarry

Agenda

January 8, 2026 – 1:30 p.m.

Governmental Center,

301 North Olive Avenue, 6th Floor

Commissioners Chambers

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Introductory Remarks
- V. Approval of Minutes from December 4, 2025
- VI. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 26-001
 - b. RQO 26-002
 - c. RQO 26-003
- VII. Items Pulled from Consent Agenda
 - a.
- VIII. 2025 Annual Report Overview Presentation
- IX. Executive Director Comments
- X. Commission Comments
- XI. Public Comments
- XII. Adjournment

If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, (s)he will need a record of the proceedings, and that, for such purpose, (s)he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
PALM BEACH COUNTY, FLORIDA**

DECEMBER 4, 2025

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

MEMBERS:

Michael S. Kridel, Chair
Peter L. Cruise, Vice Chair
Michael H. Kugler
Rodney G. Romano
Kristin A. Vara-Garcia

COMMISSION ON ETHICS STAFF PRESENT:

Rhonda Giger, General Counsel
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager
S. Elizabeth Martin, COE Communication and Education Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:

Danielle Freeman, Deputy Clerk

I. Call to Order

The vice chair called the meeting to order at 1:30 p.m.

II. Pledge of Allegiance

The commissioners recited the Pledge of Allegiance.

III. Roll Call

Present: Chair Kridel, Vice Chair Cruise, Commissioner Kugler, and
Commissioner Vara-Garcia

Absent: Commissioner Romano

IV. Introductory Remarks

No comments were made.

V. Approval of Minutes from November 6, 2025

MOTION to approve the minutes. Motion by Vice Chair Cruise, seconded by Commissioner Kugler, and carried 4-0.

VI. Executive Session – C24-021

RECESS

At 1:31 p.m., the chair declared the meeting recessed for executive session.

RECONVENE

At 2:15 p.m., the meeting reconvened with Chair Kridel, Vice Chair Cruise, Commissioner Kugler, and Commissioner Vara-Garcia present.

In re: Tenille Decoste

C24-021

Commissioner Kugler read the following final order into the record:

Complainant, Daniel Dugger, filed the above referenced complaint against Respondent, Tenille Decoste, a former employee of the City of Boynton Beach, alleging that Respondent used or attempted to use her position in a manner that may have resulted in a special financial benefit to herself or her outside business, in violation of Sec. 2-443(a) of the Palm Beach County Code of Ethics. It was further alleged that Respondent attempted to interfere with and/or obstruct an ongoing investigation being conducted by the Commission on Ethics, in violation of Sec.-2-447, Noninterference, of the Palm Beach County Code of Ethics (Code).

Pursuant to Sec.2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics.

On December 4, 2025, during the probable cause hearing, the Commission considered the report of investigation and the probable cause recommendation. The Commission also reviewed the negotiated settlement agreement whereby Respondent agreed to a finding of probable cause for allegations 1 and 9 and the issuance of a corresponding letter of reprimand. Pursuant to Sec. 2-448 of the Palm Beach County Code of Ethics, a finding by the Commission on Ethics of a violation of any part of this article shall subject the person or entity to public reprimand. The agreement further provided for the dismissal of all remaining allegations without additional findings.

After hearing the statement from the Advocate and the Respondent's written statement, the Commission accepted the negotiated settlement agreement of the parties, finding probable cause on Allegations 1 and 9, issued a letter of reprimand, and made no findings on all remaining allegations.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Tennille Decoste, is hereby closed with the issuance of a letter of reprimand for the two separate violations of the Code.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on December 4, 2025.

VII. Executive Director Comments

Ms. Kelley reported the following updates:

1.

Staff was in the process of selecting an intern from Florida Atlantic University (FAU). Ms. Martin was thanked for her efforts to assist with the process.

2.

Staff continued to work with the Graphics department to finalize the COE's annual report that will be presented at the COE meeting in January.

3.

Ms. Martin would be attending the COGEL Conference in Atlanta, GA, which provides an opportunity to review best practices with other ethics agencies across the country.

4.

Staff looked forward to participating in the High School Ethics Bowl at FAU on December 13th.

5.

The OIG meeting will follow the COE meeting in January.

6.

Ms. Kelley wished everyone a Merry Christmas and Happy Hanukkah.

VIII. Commissioner Comments

Commissioner Kugler wished everyone a safe and happy holiday season.

Vice Chair Cruise echoed Commissioner Kugler's sentiments.

XI. Public Comments

There were no public comments.

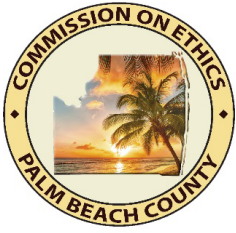
XII. Adjournment

Chair Kridel wished everyone happy holidays.

At 2:20 p.m., the chair declared the meeting adjourned.

APPROVED:

Chair/Vice Chair



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Palm Beach County Commission on Ethics

Commissioners
Michael S. Kridel, Chair
Peter L. Cruise, Vice Chair
Michael H. Kugler
Rodney G. Romano
Kristin A. Vara-Garcia

Executive Director
Christie Kelley

December 16, 2025

Malcom Sommons, II,
Deputy Chief of Staff & Director of Media
PBC Board of County Commission, District 7
301 N. Olive Avenue, 12th Floor
West Palm Beach, FL 33401

Re: RQO 26-001
Conflict of Interest/Charitable Solicitations

Dear Mr. Sommons,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

QUESTION:

Does the Palm Beach County Code of Ethics (Code) prohibit a county employee from accepting event sponsorship on behalf of a non-profit organization when the employee is a founding board member of the non-profit and the donor is a county vendor?

BRIEF ANSWER:

No. The Code does not prohibit an employee from accepting a charitable donation from a vendor as long as the guidance provided in this opinion is carefully followed, including the submission of a charitable solicitation log to the COE.

FACTS:

You are employed by the county as Deputy Chief of Staff & Director of Media Communications for District 7 Commissioner Bobby Powell. You and your mother founded a non-profit organization called Parianna Precious Hands (PPH). According to the website, the mission of PPH is "[E]nhancing the health and well-being of residents facing economic challenges and barriers to basic needs. We provide access to nutritious food, mentorship, education, and vital resources, with a focus on compassion, community involvement, and sustainable support. We strive to uplift individuals and families through compassion, community engagement, and sustainable practices."

PPH has been a registered non-profit since 2014 and provides meals throughout Riviera Beach and Palm Beach County. PPH delivers meals to the elderly and sick and operates using only volunteer labor.

Donald Dufresne, a lobbyist registered with Palm Beach County, would like to sponsor a fund-raising event for PPH. The gift from Mr. Dufresne would be more than \$100.

ANSWER:

Public employees and officials are prohibited from using their official position to give a special financial benefit, not shared with similarly situated members of the general public, to specified persons or entities, including to an organization of which they are an officer or director.¹ As a county employee, you are prohibited from using your official position as Deputy Chief of Staff to give a special financial benefit to PPH, a non-profit organization of which you are an officer or director.

Furthermore, Section 2-444(a)(1) of the Code specifically prohibits you from soliciting or accepting a gift valued at over \$100 from any vendor of the county or any lobbyist or principal or employer of a lobbyist who lobbies the county. However, the Code has an exception for solicitations or donations on behalf of non-profit charitable organizations. Section 2-444(h), Solicitation of contributions on behalf of a non-profit charitable organization, permits you to solicit and accept funds for a non-profit charitable organization from a county vendor or a lobbyist or principal or employer of a lobbyist who lobbies the county provided there is no quid pro quo or other special consideration given.

Once this exception is used, a record of any solicitations or any donations from any county vendor or a lobbyist or principal or employer of a lobbyist who lobbies the county must be maintained and submitted to the COE within 30 days of the event or if not solicited or donated for an event, then within 30 days of the solicitation or donation.² Based on the facts provided, you will need to submit a charitable solicitation log (which can be found on our website: www.palmbeachcountyethics.com/pdf/Forms/Solicitation%20Log.pdf), listing the county vendor, the event, and the amount donated to the PPH event, since a county vendor will sponsor the fundraiser. The charitable solicitation log must be submitted to the COE within 30 days of the event.

Further, although the Code does not prohibit you from soliciting and accepting donations on behalf of PPH because it is a non-profit charitable organization, your participation in fundraising for PPH needs to be in your personal name only without any reference to your official title or connection to your official position as an employee of the county or your title of Deputy Chief of Staff to Commissioner Bobby Powell. Lending your name and official title as a county employee to the PPH fundraising effort would per se constitute using your official position to provide a special financial benefit to that organization.³ This applies directly to you and to anyone indirectly soliciting on your behalf.

Finally, while the Code does not restrict your actions in this factual scenario, you must remember that as a public employee, no quid pro quo or any other benefit may ever be

¹ Sec. 2-443(a)(1-7), Misuse of public office or employment

² Sec. 2-444(h)(2), Solicitation of contributions on behalf of a non-profit charitable organization.

³ RQO 12-081

given for an official act or the past, present, or future performance of a public duty.⁴ You are also reminded that public officials are prohibited from using their official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others.⁵ Corruptly means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act which is inconsistent with the proper performance of the official's duties.⁶

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a) and Sec. 2-444 of the Code:

Sec. 2-443. Prohibited conduct.

(a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(7) A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.

Sec. 2-444. Gift law.

(a)(1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies, sells, or leases to the county or municipality as applicable.

(h) Solicitation of contributions on behalf of a non-profit charitable organization.

(1) Notwithstanding the prohibition on gifts as outlined in subsections (a) and (b), the solicitation of funds by a county or municipal official or employee for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration,

⁴ Sec. 2-444(e), Gift law.

⁵ Sec. 2-443(b), Corrupt misuse of official position

⁶ Id.

including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the county or municipality as applicable.

- (2) To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the commission on ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the commission on ethics. The form shall be filed within thirty (30) days from the occurrence of the event for which the solicitation was made, or if no event, within thirty (30) days from the occurrence of the solicitation.
- (3) Officials and employees may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions described in this subsection.

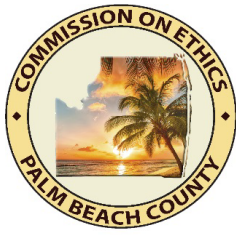
This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The Palm Beach County Commission on Ethics does not investigate the facts and circumstances submitted but assumes they are true for purposes of this advisory opinion. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,

Christie Kelley,
Executive Director

RG/gl



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Palm Beach County Commission on Ethics

Commissioners
Michael S. Kridel, Chair
Peter L. Cruise, Vice Chair
Michael H. Kugler
Rodney G. Romano
Kristin A. Vara-Garcia

Executive Director
Christie Kelley

December 31, 2025

David R. F. Ottey, County Attorney
Palm Beach County Attorney's Office
301 N Olive Ave, 6th Floor
West Palm Beach, Florida 33401

Re: RQO 26-002
Conflict of Interest

Dear Mr. Ottey,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

QUESTION:

Does the Palm Beach County Code of Ethics (Code) prohibit the mayor of the Palm Beach County Board of County Commissioners (BCC) from serving in an ex-officio capacity on the board of a not-for-profit organization when the organization is a county vendor and the mayor also serves as the host or honoree of the organization's annual fundraising event?

BRIEF ANSWER:

The Code does not prohibit the mayor from serving on the organization's board. However, because the ex-officio exception does not apply, if the mayor chooses to serve on the board, he or she would be prohibited from using his or her official position in any way, including using his or her title as mayor and/or county commissioner, to give a special financial benefit to that organization.

FACTS:

You are the County Attorney and are asking for clarification as to whether the mayor of the BCC may be appointed as an ex-officio member to the board of the Homeless Coalition of Palm Beach County (HCC). The HCC is a county vendor and organizes and receives the net proceeds from the Mayors' Ball, an annual fundraising event at which the mayor serves as the host or honoree.

ANSWER:

The Code prohibits public officials from using their official position in a manner that would result in a special financial benefit not shared with similarly situated members of the general public for specified persons or entities, including a civic group or organization of

which he or she is an officer or director.¹ Whether a matter involves a prohibited conflict of interest depends on whether a prohibited entity is involved. Here, if the mayor joins the HCC board, then the HCC becomes a prohibited entity under Sec. 2-443(a)(7).

Although Sec. 2-443(a)(7) provides an exception for "ex-officio" service, that exception applies only when the official is required by law or ordinance to serve on that board solely because of their public office.² Designating the board membership as "ex officio," by itself, does not meet the requirements for this exception. Thus, based on the facts provided, because the mayor is not required by law or ordinance to serve on that board, the ex-officio exception would not apply in this scenario and the mayor would be prohibited from using his or her official position in any way to give a special financial benefit to HCC.

Similarly, Sec. 2-443(c) prohibits the mayor from voting on or participating in any matter that would give a special financial benefit to the HCC. In this context, "participate" means that the mayor may not take part in any presentation or discussion regarding the matter with his or her fellow members of the BCC. Such actions would constitute a misuse of office and create a voting conflict. When faced with such a voting conflict, the Code requires the mayor to 1) disclose the nature of the conflict before the BCC discusses the matter; 2) abstain from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (Form 8B) with the clerk and submit a copy to the COE.

While your question asks only whether the mayor may be appointed to the HCC board as an ex-officio member without violating the Code, we are including additional guidance to address related considerations. Although the Code does not prohibit the mayor from serving on the board, because the ex-officio exception does not apply, the Code imposes additional restrictions if the mayor chooses to serve on the board.

Regarding HCC's annual fundraiser specifically, because the ex-officio exception would not apply, if the mayor serves on the HCC board, he or she would likewise be prohibited from using his or her official position as a county commissioner in any way to give a special financial benefit to the HCC.³ Thus, the Code would prohibit the mayor from lending his or her name and official title as mayor and/or county commissioner in connection with any fundraising effort on behalf of the HCC.⁴ This prohibition would include serving as a host or honoree of the Mayors' Ball or the use of the mayor's official title in connection with the event.

¹ Sec.2-443(a), *Misuse of official position or employment*.

² RQO 18-015; Sec. 2-443(a)(7): "However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization."

³ Sec. 2-443(a), *Misuse of official position or employment*.

⁴ RQO 11-029

Additionally, as a general reminder, no quid pro quo or any other benefit may ever be given for an official act or the past, present, or future performance of a public duty.⁵ Public officials are also prohibited from using their official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others.⁶ Corruptly means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act which is inconsistent with the proper performance of the official's duties.⁷

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a) and Sec. 2-443(c) of the Code:

Sec. 2-443. Prohibited conduct.

(a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(7) A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.

(c) ***Disclosure of voting conflicts.*** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, Sec. 112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

⁵ Sec. 2-444(e), *Gift law*.

⁶ Sec. 2-443(b), *Corrupt misuse of official position*.

⁷ Id.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The Palm Beach County Commission on Ethics does not investigate the facts and circumstances submitted but assumes they are true for purposes of this advisory opinion. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

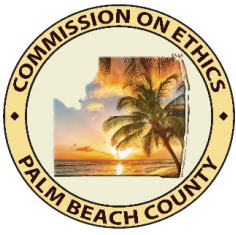
Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CK' with a long horizontal stroke extending to the right.

Christie Kelley,
Executive Director

RG/gl



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Palm Beach County Commission on Ethics

Commissioners
Michael S. Kridel, Chair
Peter L. Cruise, Vice Chair
Michael H. Kugler
Rodney G. Romano
Kristin A. Vara-Garcia

Executive Director
Christie Kelley

December 22, 2025

Jonathan Brown, Director
Department of Housing & Economic Development
Palm Beach County Board of County Commissioners
100 Australian Avenue – 5th Floor
West Palm Beach FL 33406

Re: RQO 26-003
Gift law/travel expenses

Dear Mr. Brown,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

QUESTION:

Does the Palm Beach County Code of Ethics (Code) prohibit you from accepting travel expenses related to your membership on the board of a company that is a vendor of Palm Beach County.

BRIEF ANSWER:

No. The Code provides an exception for travel expenses, even from a vendor, when those expenses are for governmental purposes, and the attendance is related to your duties and responsibilities as a county employee as long as the expenses are waived in advance by a majority vote of the Palm Beach County Board of County Commissioners (BCC).

FACTS:

You are employed with Palm Beach County as Director of the Department of Housing and Economic Development (HED). A core focus of your job is administrative and technical work directing and coordinating the functions of the Economic Development Division. You oversee the employees involved in the research, planning, implementation, monitoring, and evaluation of the Community Development Block Grant Program. Additionally, you oversee the operating budget as well as plan grants and special projects.

The Housing Finance Authority of Palm Beach is a member of the Federal Home Loan Bank of Atlanta (FHLBA). In 2024, HED, through the Housing Finance Authority of Palm Beach, applied for and received an Heirs' Property grant from FHLBA. As a result, FHLBA is considered a vendor of the county.

After awarding the grant, FHLBA proffered a request for applications to join their affordable housing advisory council. After consulting with county administration, you applied for and were selected to be an advisory council member. You understand you may not accept a stipend or income because of your membership on the advisory council. However, as a part of your membership, FHLBA will pay the travel related costs you incur while attending meetings. The advisory council meets in-person quarterly to advise FHLBA's board of directors on ways in which the bank can better carry out its housing finance and community lending mission, including, but not limited to, advice on the low- and moderate-income housing and community lending program needs in the bank's district, and on the use of the bank's affordable housing program products and services for these purposes.

While on the advisory council, you would lend expertise on housing and economic development needs and potentially participate in the implementation of programs supported by FHLBA, including those that would ultimately be available to residents and businesses in Palm Beach County.

You have advised FHLBA that you cannot accept a stipend or salary; however, you would like to clarify whether FHLBA can arrange and pay for your travel and related costs (i.e. transportation, lodging and food) for the quarterly meetings. Additionally, it is likely there will be times that you are initially responsible for the costs related to meetings and will then be reimbursed by FHLBA after the travel has concluded.

ANSWER:

In general, public officials and employees are prohibited from accepting, directly or indirectly, payment of travel expenses "from any county or municipal contractor, vendor, service provider, bidder or proposer."¹ The Code considers travel expenses to include meals, conference fees, transportation, and other incidentals. However, the prohibition against accepting travel expenses may be waived by a majority vote of the BCC or the local municipal governing body, as applicable. Under the Code, this prohibition may only be waived if the travel and attendance is for a governmental purpose related to your duties and responsibilities as a county employee.² The waiver process is intended to ensure the transparency of the transaction.

Based on the facts provided, because FHLBA is a county vendor, you are prohibited from accepting any travel expenses from FHLBA, directly or indirectly, unless it is waived by a majority vote of the BCC. If the BCC grants the waiver and your attendance is in your official capacity and related to your duties as a county employee, the waiver or reimbursement of your travel-related expenses associated with your advisory council membership would not be considered a gift under the Code. Once waived by the BCC, these costs are not considered a gift and therefore do not need to be reported.³ Additionally, as long as only the waived travel expenses are included, FHLBA may either arrange and pay for the costs in advance or reimburse you after the travel has concluded.

¹ Sec. 2-443(f)

² Id.

³ Sec. 2-444(g)(8).

As a reminder, the Code prohibits public officials from using their official position in a manner that would result in a special financial benefit not shared with similarly situated members of the general public to certain persons or entities, including an organization where the employee is an officer or director.⁴ Whether a matter involves a prohibited conflict of interest depends on whether a prohibited entity is involved. Here, because you are a county employee and serve on FHLBA's advisory council, FHLBA is considered a prohibited entity under the Code. Therefore, you must ensure you do not use your position with the county in any way that results in a special financial benefit to FHLBA or any of its related subsidiaries.

Moreover, while the Code does not restrict your advisory board membership in this factual scenario, you must remember that as a public employee, no quid pro quo or any other benefit may ever be given for an official act or the past, present, or future performance of a public duty.⁵ You are also reminded that public officials and employees are prohibited from using their official position to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others.⁶ Corruptly means done with a wrongful intent and for the purpose of obtaining any benefit resulting from some act which is inconsistent with the proper performance of the official's duties.⁷

You are also reminded that, while attending FHLBA meetings, you are prohibited from soliciting or accepting any gift in excess of \$100, other than the waived travel reimbursement as described above, from any vendor, lobbyist, or principal or employer of a lobbyist who lobbies, sells, or leases to the county.⁸ If, while attending FHLBA meetings, you receive anything of value exceeding \$100 from any person or entity who is not a vendor, lobbyist, or principal of a lobbyist of the county, the gift must be reported on your annual gift report.⁹

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-443(a), Sec. 2-443(f), and Sec. 2-444(g) of the Code:

Sec. 2-443. Prohibited conduct.

(a) ***Misuse of public office or employment.*** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

⁴ Sec. 2-443(a), *Misuse of official position or employment.*

⁵ Sec. 2-444(e), Gift law.

⁶ Sec. 2-443(b), Corrupt misuse of official position

⁷ Id.

⁸ Sec. 2-444(a)(1)

⁹ Sec. 2-444(f)(2)b.

- (7) A civic group, union, social, charitable, or religious organization, or other organization of which he or she (or his or her spouse or domestic partner) is an officer or director. However, this sub-section shall not apply to any official or employee who is required to serve on the board of directors of any organization solely based on his or her official position (ex-officio), regardless of whether he or she has voting rights on the board, and who receives no financial compensation for such service on the board of directors, and otherwise has no personal ownership interest in the organization.

Sec. 2-443(f). Accepting travel expenses.

No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.

Sec. 2-444. Gift law.

- (g) Exceptions. For the purposes of this section, the following shall not be considered a gift:
- (8) Registration fees and other related costs associated with educational or governmental conferences, meetings or seminars and travel expenses either properly waived or inapplicable pursuant to section 2-443(f), provided that attendance is for governmental purposes, and attendance is related to his or her duties and responsibilities as an official or employee of the county or municipality;

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. The Palm Beach County Commission on Ethics does not investigate the facts and circumstances submitted but assumes they are true for purposes of this advisory opinion. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at 561-355-1915 if you need further assistance in this matter.

Sincerely,



Christie Kelley,
Executive Director

RG/gl