



Honesty - Integrity - Character

Amended Agenda

May 7, 2026 – 1:30 p.m.
Governmental Center,
301 North Olive Avenue, 6th Floor
Commissioners Chambers

Palm Beach County

Commission on Ethics

300 North Dixie Highway, Ste 450

West Palm Beach, FL 33401

561.355.1915

Hotline: 877.766.5920

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Commissioners

Rodney G. Romano

Alan I. Blass

Peter L. Cruise

Michael H. Kugler

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

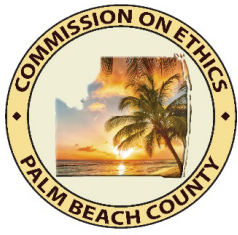
Mark A. Higgs

Investigator

Abigail Irizarry

- I. Call to Order
- II. Introductory Remarks
- III. Roll Call
- IV. Processed Advisory Opinions (Consent Agenda)
 - a. RQO 26-010
- V. Items Pulled from Consent Agenda
 - a.
- VI. Executive Director Comments
- VII. Commission Comments
- VIII. Public Comments
- IX. 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 and evidence upon which the appeal is to be based.



Palm Beach County Commission on Ethics

Commissioners
Rodney G. Romano, Chair
Alan I. Blass, Vice Chair
Peter L. Cruise
Michael H. Kugler
Kristin A. Vara-Garcia

Executive Director
Christie Kelley

Honesty - Integrity - Character

May 6, 2026

Captain Brandon Andersen
Palm Beach County Fire Rescue
Station 32
4022 Charleston Street
Greenacres, FL 33467

Re: RQO 26-010
Conflict of interest/Contractual Relationships

Dear Captain Andersen,

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 business in which your spouse is a minority owner from performing work as a subcontractor on a Palm Beach County (county) project under a contract held by a county vendor?

BRIEF ANSWER:

Yes, the Code prohibits the business in which your spouse is a minority owner from performing work as a subcontractor on a county project under a contract held by a county vendor, unless an exception applies.

FACTS:

You are employed with Palm Beach County Fire Rescue (PBCFR). Your spouse is employed with Precision Contracting Services (PCS) as Controller. PCS is a fiber optic installation company that serves as a vendor for the county on various infrastructure and fiber optic projects. Although your spouse is legally listed as an officer of that company, she does not have an ownership interest in PCS, and her role is primarily administrative and accounting in nature. She also does not participate in procurement decisions, vendor selection, contract awards, or negotiations involving the county. PCS has held a contract with the county since 2007 and has had a master contract since 2010. Your spouse began working for PCS in 2023.

Your spouse recently became a 15% minority owner of The Lazarus Group, LLC (Lazarus). Lazarus is a directional boring company that performs underground utility and fiber optic subcontracting work. Lazarus performs subcontractor work for PCS on a variety of its contracts. Lazarus also performs work for other contractors and utility providers throughout south Florida, including private entities and local governments outside of Palm Beach County. Lazarus also contracts with other governmental agencies in Florida as well for a variety of underground boring projects; however, it does not have any direct contracts with Palm Beach County. Nevertheless, a component of Lazarus's subcontracting services includes fulfillment of PCS's contract with Palm Beach County. In that capacity, Lazarus provides the conduit to PCS. Lazarus is not involved with the design, installation, maintenance, repair or splicing of any fiber optic lines that PCS provides for the county contract(s).

You do not hold any other ownership interest, management role, or have any financial input in Lazarus. Your job duties with the county do not include any involvement in business operations, contracts, bidding, vendor relationships, or project management.

You want to know if the facts presented create a conflict of interest under the Code.

ANSWER:

Section 2-443(d) of the Code prohibits public officials or employees, their outside business, or their outside employer from entering into a contract or other transaction for goods or services, directly or indirectly, with their public employer, unless an exception applies. The Code defines an "outside business" as any entity located in the County, or which does business with or is regulated by the county or a municipality as applicable, in which the official or employee has an ownership interest.¹ "Ownership interest" means at least five percent of the total assets or common stock is owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.² Under this definition, Lazarus qualifies as your outside business because your spouse holds a 15% minority ownership interest in the company. Therefore, based on the current factual scenario, Lazarus is prohibited from entering into any contract or other transaction with the county, directly or indirectly, unless an exception applies.³

The Code provides for a variety of exceptions to the above prohibition.⁴ However, based on the facts provided, none of these exceptions appear to apply. Depending upon how PCS was awarded its contract with the county, the "sealed-bid, low-bid" exception could potentially apply to Lazarus, but at this time it appears not to be applicable. Additionally, because other entities within the county provide services similar to those offered by

¹ Sec. 2-442 Definitions

² Id.

³ RQO-10-038

⁴ Sec. 2-443 (e)

Lazarus, the sole source exception is also not available. Further, the exception for transactions under \$500 in the aggregate per calendar year is similarly inapplicable in this situation.

Although there is not currently an exception available to Lazarus, the COE is mindful that in an emergency situation, a purchase or transaction that may otherwise violate the Code, would be permissible as long as it is made to protect the health, safety, or welfare of the citizens of Palm Beach County.

It should be noted that the contract relationship prohibition does not apply to the contract between the county and PCS. PCS is neither your outside employer nor your outside business; it is solely your wife's employer, and she does not have any ownership interest in the company.

Additionally, as an employee of the county, the Code prohibits you from using your official position to give a special financial benefit, not shared with similarly situated members of the general public, to specified persons or entities. Among those prohibited persons or entities are your spouse, her outside employer, and her outside business. Financial benefit, in the context of the Code, constitutes economic gain or loss.⁵ Similarly, the Code also prohibits the use of an official position to corruptly secure a special benefit of any kind for anyone, including yourself, your spouse, or their outside business or employer. Corruptly is defined as an act that is done with a wrongful intent and that is inconsistent with the proper performance of public duties. Finally, you must remember that 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.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-442, Sec. 2-443(a), Sec. 2-443(d), and Sec. 2-443(e) of the Code:

Sec. 2-442. Definitions.

Outside employer or business includes:

- (2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.

⁵ RQO 10-013 (For the purpose of ordinance construction, the commission finds that a financial benefit includes either a private gain or loss).

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, or attempt to do any of these things, 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:
- (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
 - (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
- (d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with his or her respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public.
- (e) **Exceptions and waiver.**
In addition, no official or employee shall be held in violation of subsection (d) if:
- (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
 - a. The official or employee, or his or her relative or household member, has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
 - b. The official or employee, or his or her relative or household member, has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
 - c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.

- (2) An emergency purchase or contract, which would otherwise violate a provision of subsection (d), must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
- (3) The outside employer or business involved is the only source of supply within the county or municipality under applicable law or county or municipal policy, and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.
- (4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars (\$500) per calendar year.

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