Honesty - Integrity - Character

Agenda

December 3, 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

E-mail: ethics@pbc.gov

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. Johnson

Education & Communications Manager

S. Lizabeth Martin

Investigator

Abigail Irizarry

Investigator

Vacant

I. Call to Order

II. Pledge of Allegiance

III. Roll Call

IV. Introductory Remarks

V. Approval of Minutes from November 5, 2026

VI. Processed Advisory Opinions (Consent Agenda)

- a. RQO 26-022
- b. RQO 26-023

VII. Items Pulled from Consent Agenda

- a.

VIII. Executive Director Comments

IX. Commission Comments

X. Public Comments

XI. 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.

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

NOVEMBER 5, 2026

THURSDAY **COMMISSION CHAMBERS**
1:30 P.M. **WEISMAN GOVERNMENTAL CENTER**

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

COMMISSION ON ETHICS STAFF PRESENT:
Mark Higgs, COE Investigator II
Abigail Irizarry, COE Investigator II
Christie E. Kelley, COE Director III
Gina Levesque, COE Intake and Compliance Manager
S. Lizabeth 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 chair called the meeting to order at 1:30 p.m.

II. Pledge of Allegiance

The members recited the Pledge of Allegiance.

III. Roll Call

Present: Chair Romano, Commissioner Cruise, and Commissioner Vara-Garcia

Absent: Vice Chair Blass and Commissioner Kugler

IV. Introductory Remarks

No introductory remarks were made.

V. Approval of Minutes from October 1, 2026

MOTION to approve the minutes. Motion by Commissioner Vara-Garcia, seconded by Commissioner Cruise, and carried 3-0.

VI. Processed Advisory Opinions (Consent Agenda)

a. RQO 26-020

b. RQO 26-021

MOTION to approve the consent agenda. Motion by Commissioner Cruise, seconded by Commissioner Vara-Garcia, and carried 3-0.

VII. Items pulled from Consent Agenda

No items were pulled from the consent agenda.

VIII. Executive Director Comments

(CLERK'S NOTE: Commissioner Kugler joined the meeting.)

Ms. Kelley reported the following updates:

1.

Staff participated in outreach events at various libraries within the County.

2.

Staff provided in-person ethics training for the Palm Beach County League of Cities.

UNSCHEDULED ADMINISTRATIVE ITEM

Ms. Kelley reported that the motion requesting the payment of Peggy Wheeler's attorney's fees in Case No. C26-001 had been withdrawn and that the Town Council subsequently voted to pay the fees.

3.

It was announced that this would be COE Investigator II Mark Higgs's last meeting. He was thanked for his service, wished the best in his retirement, and informed that he would be missed by the COE office.

4.

Everyone was wished a happy Thanksgiving.

IX. Commissioner Comments

1.

Chair Romano, Commissioner Cruise, Commissioner Kugler, and Commissioner Vara-Garcia thanked Mr. Higgs for his years of service with the COE, and they wished him all the best in his retirement.

2.

Chair Romano and Commissioner Vara-Garcia congratulated Ms. Levesque on her recent nuptials.

X. Public Comments

There were no public comments.

XI. Adjournment

MOTION to adjourn. Motion by Commissioner Kugler, seconded by Commissioner Vara-Garcia, and carried 4-0.

At 1:34 p.m., the chair declared the meeting adjourned.

APPROVED:

_____
Chair/Vice Chair

Palm Beach County
Commission on Ethics

Honesty - Integrity - Character

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

Executive Director
Christie Kelley

November 23, 2026

Judy Mollica, Commissioner
City of Delray Beach
200 N.W. 1st Ave.
Delray Beach, FL 33444

Re: RQO 26-022
Voting Conflict/Conflict of interest

Dear Ms. Mollica,

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:
As a Commissioner for the City of Delray Beach (City), does the Palm Beach County Code of Ethics (Code) prohibit you from participating in discussions or voting on a matter involving a nonprofit organization for which you serve as a board member?

BRIEF ANSWER:
Yes, based on the facts provided, because you serve as a board member of the nonprofit organization, you may not participate in discussions or vote on a matter that would give a special financial benefit to that organization. Based on the facts provided, the proposed relocation of the police headquarters would directly affect the nonprofit organization's use of the property and, therefore, create a conflict of interest. Because of this, you must carefully follow the guidance provided in this opinion.

FACTS:
You are an elected Commissioner for the City. You are also on the board of the Volen Center (VC).[1] VC is a local nonprofit senior center that provides health care, nutrition, transportation, and social programs for older adults, adults with disabilities, and their family caregivers. VC has a revocable license with the City for exclusive use of the Western Community Center located at 850 N. Congress Avenue, Delray Beach.

In December, the City Commission will discuss and make a recommendation regarding the relocation of the City's police headquarters. The proposed location of the new police department is the Western Community Center, the site where VC is currently located. By

[1] The position on the board is unpaid.

way of historical context, the City entered into a revocable license agreement with VC on October 1, 2023. That license will terminate on September 30, 2028, if renewals are revoked. The City has exercised one renewal thus far. The agreement expressly provides that the City Manager, not the City Commission, has the authority to terminate the agreement.

City staff have indicated that if the City Commission were to approve the development of the police headquarters on the VC site, construction would not occur before September 30, 2028. Thus, if the City Commission recommends moving the police department to this site, VC's license would naturally expire and the City would not renew it. If the City Commission elects not to move the police department to the VC site, VC's license for the site is expected to be renewed pursuant to a new licensing agreement.[2]

You want to ensure you take all steps necessary to avoid any potential conflict of interest throughout the discussion and vote about this topic given your position as a board member for VC.

ANSWER:

The Code prohibits a public official from using his or her official position in any manner, including influencing or attempting to influence others to take some action, to give a special financial benefit to specified persons or entities.[3] The Code also prohibits a public official from participating in discussions or voting on a matter which would give a special financial benefit to those same specified persons or entities.[4] Among the specified persons or entities are civic groups; social, charitable, or religious organizations; or other organizations of which he or she is an officer or director. These organizations are considered prohibited entities under the Code. Because you serve on the board of VC, VC is a prohibited entity for purposes of the Code.

In the context of the Code, financial benefit constitutes economic gain or loss.[5] In determining whether an action would result in a special financial benefit being given to a person or entity, the COE has held that any such financial benefit must be direct and immediate, rather than remote and speculative.[6] Similarly, the Florida Commission on Ethics has also determined that where there is uncertainty at the time of discussion or vote as to whether a measure directly affects a person or entity, any private gain or loss based on the vote is remote and speculative, thus the official would not be precluded from casting such a vote.[7]

Based on the facts provided, if the City Commission recommends moving the police headquarters to the Western Community Center, VC will lose access to the property it currently occupies. Conversely, if the City Commission does not recommend moving

[2] This information was provided to the COE by the City Attorney.
[3] Sec. 2-443(a), *Misuse of public office or employment*
[4] Sec. 2-443(c), *Disclosure of voting conflicts*
[5] RQO 10-013
[6] RQO 12-063
[7] CEO 85-77; CEO 05-15; CEO 91-61; CEO 12-19

forward with the proposal, then VC is expected to benefit from a renewal of the license.[8] VC pays the City $1 at the start of each renewal term. Losing access to the property would require VC to locate and pay for a replacement site, while retaining the property would allow VC to continue using the facility at a nominal cost. Either outcome is an economic gain or loss to VC.

Although the City Commission's recommendation to the City Manager is not binding, the matter before the City Commission is site-specific and directly concerns the property occupied by VC. The Commission's recommendation will determine whether the City proceeds with plans to use the property for the police headquarters, which, in turn, will directly affect whether VC retains or loses access to the site. The likelihood of a financial benefit to VC is not remote and speculative but reasonably foreseeable; therefore, a conflict of interest exists.

Accordingly, you are prohibited from using your official position as City Commissioner, including influencing or attempting to influence others to take or refrain from taking action, participating in discussions, or voting on any matter involving the proposed relocation of the police headquarters to the Western Community Center or the licensing agreement between VC and the City. Before the City Commission discusses the matter, you must publicly disclose the nature of the conflict, refrain from participating in the discussions and voting on the matter and file a state voting conflict Form 8B with the clerk and submit a copy to the COE.[9]

Finally, the following guidance is provided as a general reminder. As a public official, you may not give or receive any quid pro quo or other benefit in exchange for an official act or the past, present, or future performance of a public duty.[10] You are also reminded that public officials and employees are prohibited from using their official positions to corruptly secure or attempt to secure a special privilege, benefit, or exemption for themselves or others, including your outside business or a customer or client of your outside business.[11] 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.[12]

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, 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

[8] VC pays only $1 at the beginning of each renewal for use of the facility.
[9] Sec. 2-443(c), *Disclosure of voting conflicts*
[10] Sec. 2-444(e), *Gift law*
[11] Sec. 2-443(b), *Corrupt misuse of official position*
[12] Id.

special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
(1) Himself or herself;
(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.

(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 term "participate" as used in this section shall be defined as: "To take any action, or to influence others to take any action, or to attempt to do any of these things, in order to affect the passage or defeat of the specific matter before the voting body in which the official is required to abstain from voting."

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

Sincerely,

Christie Kelley
Executive Director
RG/gal

Palm Beach County
Commission on Ethics

Honesty - Integrity - Character

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

Executive Director
Christie Kelley

November 25, 2026

Cynthia Diaz, Site Planner
Palm Beach County Planning, Zoning and Building Department
2300 N. Jog Road
West Palm Beach, FL 33411

Re: RQO 26-023
Outside Employment

Dear Ms. Diaz,

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

QUESTION:
As an employee of Palm Beach County (County), does the Palm Beach County Code of Ethics (Code) prohibit you from having outside employment as a licensed realtor?

BRIEF ANSWER:
Generally, the Code would prohibit your outside employment as a licensed realtor only if that employment would result in a direct or indirect contractual relationship with your public employer or if you, your outside real estate business, or a real estate client receiving a special financial benefit from your public employment. As long as you comply with the restrictions and guidance provided in this opinion, the Code does not prohibit you from continuing to work as a licensed realtor in your private capacity.

FACTS:
You are a Site Planner for the County's Planning, Zoning and Building Department. Outside of your employment with the County, you are a licensed realtor. You properly disclosed this outside employment in March 2024. You were recently informed (both orally and in writing) by the County that you could no longer engage in real estate activities, even those occurring outside of your regular working hours. After this, you reached out to the COE for a formal opinion.

You would like to emphasize that your real estate activities are conducted outside of your County working hours, primarily on weekends, and frequently occur outside of Palm Beach County.

ANSWER:
As a County employee, the Code prohibits you or your outside business from entering into any contract or other transaction for goods or services with the County unless one of the exceptions to the contractual relationship prohibition applies.[1] The Code defines an outside business as any entity in which you or specified relatives have an ownership interest of at least five percent.[2] Thus, your real estate activities as a licensed realtor would constitute an outside business under the Code.

The Code also prohibits County employees or their outside business or employer from entering into any contractual relationship with a vendor of the County if they would be providing goods or services to the County through that contract.[3] This creates an indirect contractual relationship that is prohibited by the Code. However, the Code provides a limited part-time employment exception that applies only to an employee's outside employer, not to the employee or the employee's outside business. This exception is available when a public employee's outside employer has a contract for goods or services with his or her public employer and certain conditions are met. [4] The Code defines an "outside employer" as any entity of which the public employee is an employee.[5] However, realtors are typically considered to be "self-employed" and are generally classified as independent contractors, rather than employees, as defined by the Code.[6] Therefore, the part-time employment exception would not apply to your situation unless you become a formal employee of the entity for which you are performing real estate services.

Based on the facts provided, your work as a licensed realtor in your private capacity would not violate the Code's prohibition on contractual relationships as long as neither you nor your outside real estate business enters, directly or indirectly, into any contract or other transaction for goods or services with the County, or enters into a contractual relationship with a County vendor to provide goods or services to the County through that contract. You must also perform all real estate activities outside of your County work hours and use your personal computer, software, equipment, and supplies.

In addition, as a County employee, the Code prohibits you from using your official position with the County to give a special financial benefit to specified persons or entities, including yourself, your outside business, or a customer or client of your outside business.[7] The Code defines a customer or client as a person or entity to which your outside business has supplied goods or services during the previous 24 months in excess of $10,000.[8] Therefore, you must also take great care not to misuse your employment with the County in any way to give a special financial benefit to yourself, your outside business as a realtor,

[1] Sec. 2-443(d); Sec. 2-443(e)
[2] Sec. 2-442
[3] RQO 10-038
[4] Sec. 2-443(e)(5); RQO 15-035; RQO 16-011
[5] Sec. 2-442
[6] RQO 11-020
[7] Sec. 2-443(a)
[8] Sec. 2-442

or any of your real estate clients. This would include using your position with the County to influence, participate in, or take action on a County matter in a manner that would provide a special financial benefit to one of your real estate clients; soliciting business during your County work hours; and identifying yourself as a County employee in any written or verbal communication to attempt to obtain a customer or client.

As a reminder, whether a conflict of interest exists depends on the facts and circumstances of each situation. Given your position as a Site Planner, you must be particularly mindful of situations in which your County responsibilities may overlap with your private real estate activities. You must carefully consider whether any action you take as a County employee could provide a special financial benefit to yourself, your outside business, or any of your real estate clients. If you are ever uncertain whether a particular matter presents a conflict under the Code, you should refrain from participating in the process, and either seek additional guidance from COE staff or request an advisory opinion.

Additionally, the Code also prohibits the disclosure or use of certain information. In your capacity as a County employee, should you become privy to information not yet available to the public, you may not disclose or use the information for your personal gain or benefit or for the personal gain or benefit of any other person.[9]

Lastly, you are reminded that the analysis in this opinion only encompasses conduct related to the Code. The COE does not interpret or opine on interdepartmental decisions or policy choices. Additionally, even considering this opinion, you must also comply with the County's merit rules regarding outside employment.

LEGAL BASIS:

The legal basis for this opinion is found in Sec. 2-442; Sec. 2-443(a)(1), (4), (5); Sec. 2-443(d); Sec. 2-443(e)(5); and Sec. 2-443(i) of the Code:

Sec. 2-442. Definitions.

Customer or client means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars ($10,000).

Outside employer or business includes:

(2) Any entity located in the county ... 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...

[9] Sec. 2-443(i)

Vendor means any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the county or municipality involved in the subject contract or transaction as applicable. For the purposes of this definition a vendor entity includes an owner, director, manager or employee.

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:

(1) Himself or herself;

(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;

(5) A customer or client of the official or employee's outside employer or business;

(d) **Contractual relationships**. No official or employee shall enter into any contract or other transaction for goods or services with their 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.

(e) **Exceptions and waiver**. In addition, no official or employee shall be held in violation of subsection (d) if:

(5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:

a. The employee or relative of the employee does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and

b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and

c. The employee or relative of the employee has not participated in determining the subject contract requirements or awarding the contract; and

d. The employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but

not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and

e. The employee demonstrates compliance with applicable merit rules regarding outside employment and obtains written permission from his or her supervisor; and

f. The employee has obtained a conflict of interest waiver from the chief administrative officer and the employee's department head of the county or municipality based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath. The request for the waiver shall be signed by the employee under oath or affirmation on an approved form provided by the commission on ethics. The document shall contain written acknowledgment of compliance with the provisions of subsection (5)a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's supervisor and chief administrative officer of the county or municipality.

(i) ***Disclosure or use of certain information.*** A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

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

Sincerely,

Christie Kelley
Executive Director
RG/gal