

## *Palm Beach County*

Jupiter Inlet Colony  
Tequesta  
Jupiter  
Juno Beach  
Palm Beach Gardens  
North Palm Beach  
Lake Park  
Riviera Beach  
Palm Beach Shores  
Mangonia Park  
West Palm Beach  
Haverhill  
Palm Beach  
Cloud Lake  
Glen Ridge  
Lake Clarke Shores  
Palm Springs  
Greenacres  
Lake Worth  
South Palm Beach  
Atlantis  
Lantana  
Manalapan  
Hypoluxo  
Boynton Beach  
Ocean Ridge  
Golf  
Briny Breezes  
Gulf Stream  
Delray Beach  
Highland Beach  
Boca Raton

Pahokee

Belle Glade

South Bay

Loxahatchee Groves

Royal Palm Beach

Wellington



***Palm Beach County Commission on Ethics***  
***"Honesty, Integrity, Character"***

# ***2014 Annual Report***



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# 2014 ANNUAL REPORT

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PALM BEACH COUNTY COMMISSION ON ETHICS



300 NORTH DIXIE HIGHWAY, SUITE 450  
WEST PALM BEACH  
FLORIDA 33401







# Palm Beach County Commission on Ethics

## **Commissioners**

Salesia V. Smith-Gordon, Chair  
Michael S. Kridel, Vice Chair  
Michael F. Loffredo  
Carmine A. Priore  
Clevie Headley

## **Executive Director**

Steven P. Cullen

January 5, 2015

Chair Salesia V. Smith-Gordon  
Palm Beach County Commission on Ethics  
300 N. Dixie Highway, Suite 450  
West Palm Beach, FL 33401

Dear Madam Chair,

I am pleased and privileged to present the 2014 Annual Report of the Palm Beach County Commission on Ethics (COE).

Calendar year 2014 marked the completion of the fourth year of operation of the (COE). The agency's primary statutory mission, arising under the empowering county ordinances, is to review, interpret, render advisory opinions, and enforce the Code of Ethics (Code), Lobbyist Registration and Post Employment ordinances. In addition to the statutory mandates, staff has the responsibility to conduct ongoing ethics training and community outreach for covered local elected officials, advisory board members, employees, vendors, lobbyists and their principals. Staff is also charged with managing the agency with the primary focus of building trust in our local government.

In March, Commissioner Salesia Smith-Gordon was elected Chair. Commissioner Michael Kridel was reappointed by the Palm Beach Chapter of the Florida Institute of CPAs and elected Vice Chair. At the same time, three new Commissioners were sworn and seated. Dr. Michael Loffredo was appointed by the County Association of Chiefs of Police upon the resignation of Commissioner Daniel Galo. Dr. Clevie Headley was appointed by the President of Florida Atlantic University upon the term expiration of Commissioner Dr. Robin Fiore. Dr. Carmine Priore was appointed by the Palm Beach County League of Cities upon the untimely death of Commissioner Patricia Archer. Biographies of all of our distinguished Commissioners begin on page 8 of this report.

In terms of measured outputs in 2014, COE staff processed 39 advisory opinions, 13 sworn complaints, 2 self-initiated complaints and 34 inquiries based on anonymous or attributed unsworn "tips" and other information provided by the citizens of Palm Beach County. Additionally, staff handled 65 advisory opinion requests by referring the requesting party to prior COE opinions directly addressing the submitted issues. The office hot line received 780 calls and visits to the COE website exceeded 35,000 for the year. COE staff made 70 referrals to other local, state, or federal governmental agencies. Measuring trends, these outputs generally meet or exceed those of calendar year 2013. We are fully staffed with five full-time employees including Executive Director, Staff Counsel, Intake Manager, Senior Investigator, and Investigator.

Ethics training, community outreach, collaboration with other agencies and organizations and public education remain as cornerstones of our mission. On the training front, staff continues to conduct live trainings upon request. Palm Beach County Channel 20 produced a new video version available on our website, on YouTube and on DVD. Our training program continues to emphasize common sense concepts in place of mechanistic legal jargon. Learning from professional presenters, our training seeks to educate a diverse group of covered persons to understand the highlights of the Code and where to turn for further information and help. Feedback obtained in post-training surveys has been nearly universally positive.

Providing personal service to our users, staff completed "field visits" to all 39 county and municipal governments under our jurisdiction. These visits triggered many requests for additional training and copies of informational materials. Several training memoranda targeting to the areas of gift law, charitable solicitation and advisory board conflicts, disclosures and waivers have been distributed to our users. Our guide book, containing a narrative summary of the Code as well as the full text, has been revised and circulated. A card size "Top Ten Ethics Rules" will be distributed shortly.

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**The Historic 1916 Palm Beach County Courthouse**

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**Hotline: 877.766.5920 E-mail: [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com)**

**Website: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)**

As community outreach, staff continues to deliver informational presentations to a wide variety of community groups, organizations, agencies, and schools. This year, we have taped “public service announcements” for use on the website, which speak to our mission. A 30-minute segment on Palm Beach County’s “Politically Speaking” show was produced along with Inspector General Carey and State Attorney Aronberg. This show outlines broadly ethics in the county and demonstrates the different role of each agency in the process. A separate 15-minute segment outlines in detail the function and practices of the COE. The Palm Beach County Commission’s Declaration of March 2014 as Ethics Awareness Month provided several public opportunities to detail the agency’s mission. As volunteer judges in the National Ethics Bowl, we are placed in the community with high school and college students interested in ethical debate.

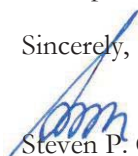
On the public information front, our social media presence on Facebook – [www.facebook.com/pbccoe](http://www.facebook.com/pbccoe) and Twitter – [@pbccoe](https://twitter.com/pbccoe) has grown. In addition to providing web-based training modules for public officials, employees and vendors, we maintain a public database for annual and quarterly gift reports, voting conflict of interest disclosures and outside employment waivers. We also continue to maintain links to Palm Beach County maintained databases, including lists of active registered vendors, registered lobbyists and their principals, as well as annual lobbyist expenditure reports. All sworn complaints, related documents, and live hearings are posted to our website once the cases become public record. Additionally, all COE advisory opinions are posted and catalogued by subject matter. This year, we completed the creation of cataloged summaries of each opinion. These headings provide a quick guide to the issue and holding for ready reference. From inception, through December 31, 2014, the commission has issued 303 advisory opinions. Our updated website is fully searchable including all processed complaints and advisory opinions.

Fiscally, Palm Beach County budgeted \$564,299 for COE operations. The COE maintained careful stewardship of staff, operational and procurement costs. Our expenditures for the fiscal year were \$515,952. The net result was \$48,346 unspent for fiscal year 2013-2014.

Concerning best operational practices, the COE held a public workshop in October to discuss these issues. There, a guide “Principles and Standards for Local Ethics Commissions” was presented to codify our best practices to serve as a model for local governments wishing to establish an ethics program. Commissioners and stakeholders also discussed the best method of conducting a public hearing of a person accused of violating the Code. At the November meeting, the COE voted unanimously to recommend to the Board of County Commissioners to consider changing the COE ordinance to provide for the option of trial by a hearing officer. These issues will continue to unfold in 2015. Best practices for a local commission continue to attract the interest of policymakers and legislators statewide. For this reason, we will continue to monitor the possibility that the legislature may take up a bill in 2015 which may impact our operations.

With the close of calendar year 2014, it is clear that the operations, outputs and missions of the COE are robust and sound. That said, reasonable people may, and do, disagree on how those functions should be optimized. I intend to work hard with Commissioners, staff and stakeholders to make the COE as strong as possible. Thank you for your support of our operations as we promote Palm Beach County’s high standard of public service together.

Sincerely,



Steven P. Cullen,  
Executive Director

SPC/gal



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## MISSION STATEMENT

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The mission of the Palm Beach County Commission on Ethics (COE) is to foster integrity in public service, to promote the public's trust and confidence in that service, and to prevent conflicts between private interests and public duties.

We accomplish this mission by conducting ongoing educational programs, community outreach, providing clear and timely advice, and fairly and impartially interpreting and enforcing the conflict of interest and financial disclosure laws. In doing so, the commission is guided by principles of fairness, clarity, and common sense. We encourage you to spend time learning about our efforts by going to our website at [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com) and to contact our office with any questions or comments.

## HISTORY

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*In framing a government which is to be administered by men over men the great difficulty lies in this: you must first enable government to control the governed, and in the next place, oblige it to control itself.*

- Federalist #51

Now in its fourth year, the COE is an independent organization that administers and enforces the Palm Beach County Code of Ethics, Lobbyist Registration Ordinance and Post Employment Ordinance. The Code of Ethics is designed to help ensure that public officials and employees perform their public responsibilities impartially, do not use their public positions for private gain, and to foster public confidence in the integrity of local government. The Lobbyist Registration Ordinance was enacted to regulate certain lobbying activity and enhance lobbying transparency by establishing a central lobbyist registration and expenditure reporting system. While the commission has statutory license to punish offenders, commission staff strives to educate public employees, public officials, vendors, and lobbyists on how the new rules will affect governance and implementation of policy throughout the county.

Palm Beach County has a current estimated population of 1.37 million residents and has grown significantly in the past decade in terms of size and diversity. The county has over 6,000 full and part-time employees and approximately 1,000 volunteer officials staffing 95 committees and boards. There are 38 municipalities within Palm Beach County who are served by over 9,000 full and part time employees, 258 municipal boards and committees with more than 1,800 volunteer advisory board members, and 198 elected officials.

As recommended by a 2010 grand jury convened to monitor the progress of the new ethics measures, a county-wide referendum was included on the November 2010 ballot. Voters overwhelmingly supported the measure to place the Commission on Ethics provisions into the county charter, expanding the jurisdiction of the COE to all local municipal governments. In 2012, the Lobbyist Registration Ordinance was adopted by 35 of the 38 municipalities within the County. COE staff stands ready to inform citizen groups, county and municipal governments alike about the services and benefits of the Commission on Ethics and Code of Ethics initiatives.



## AN INDEPENDENT ETHICS INSTITUTION

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*Ethics is knowing the difference between what you have the right to do and what is the right thing to do.*

- Justice Potter Stewart

The COE oversees, administers and enforces local governmental ethics laws; receives and investigates complaints; provides formal advice to persons who fall within the jurisdiction of the Commission; conducts training sessions for the community, municipal and county employees, and vendors; and proposes governmental ethics law reform.

Governmental ethics laws include the Ethics Ordinance, the Lobbyist Registration Ordinance, and the Post Employment Ordinance. The COE accepts sworn complaints regarding alleged violations of these laws and protects individuals from retaliation for reporting violations.

Persons who fall within the jurisdiction of the COE include:

- County and Municipal Elected Officials
- County and Municipal Advisory Board Members and other non-elected officials
- County and Municipal staff and contract employees
- Lobbyists and their principals
- Vendors
- Entities subject to jurisdiction pursuant to contract or Memoranda of Understanding

Our specific statutory authority is derived from Palm Beach County Code §2-254. This ordinance grants the COE the power to review, interpret, enforce and render opinions regarding the above-mentioned County ordinances.

The key to the COE is independence. In fact, by definition the COE is an independent office. The Palm Beach County Board of County Commissioners Organizational Structure chart reflects this independence by designating the Executive Director as an “Independent Official.” Ethics commissioners cannot be removed or otherwise influenced by the County Commission and are appointed by various non-political civic, educational and professional organizations. The position of commissioner is non-partisan and non-political. Appointees may not participate in or contribute to a candidate for state or local office or allow his or her name to be used in support of or against a candidate or ballot issue. Appointees may not participate in or contribute to political action committees, campaign for office or referenda, and may not hold office in a political party or committee.

## ABOUT THE COMMISSION

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The COE is composed of five volunteer members who serve staggered terms of four years each. Each member of the COE must also have an outstanding reputation for integrity, responsibility, and commitment to serving the community. Moreover, as representatives of Palm Beach County, appointments are made with an eye towards the racial, gender and ethnic make-up of the community.

Members are appointed by the following individuals or institutions:

- **President of the Palm Beach County Association of Chiefs of Police**- one appointment with the following qualifications: A former law enforcement official with experience in investigating white collar crime or public corruption. **(Commissioner Michael Loffredo)**
- **President of the F. Malcolm Cunningham, Sr. Bar Association, the President of the Hispanic Bar Association of Palm Beach County and the President of the Palm Beach County Bar Association** – one shared appointment with the following qualifications: An attorney with experience in ethics regulation of public officials and employees. **(Chair, Commissioner Salesia Smith-Gordon)**
- **President of Florida Atlantic University (FAU)** - one appointment with the following qualifications: A faculty member who teaches at an institution of higher education with a campus located in the county and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. **(Commissioner Clevis Headley)**
- **President of the Palm Beach Chapter of the Florida Institute of Certified Public Accountants (CPA)** – one appointment with the following qualifications: A member with at least five (5) years experience as a CPA with forensic audit experience. **(Vice Chair, Commissioner Michael Kridel)**
- **Palm Beach County League of Cities** - one appointment with the following qualifications: A person who has served as a former elected official for a governmental entity in the county. **(Commissioner Carmine Priore)**

## THE COMMISSIONERS

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### **SALESIA V. SMITH-GORDON, R.PH., ESQUIRE, CHAIR**

Following in her mother's legal footsteps, Salesia is proudly a second generation lawyer. She completed pharmacy studies at Florida A & M University College of Pharmacy & Pharmaceutical Sciences in 1989 and become a registered pharmacist. In 1992, she graduated from Florida State University College of Law and opened her law practice in 1993.



Salesia has handled an array of cases in federal and state courts. Her boutique civil law practice concentrates its advocacy for justice on behalf of those who have suffered serious injuries or death through the wrongdoing of others. Her education and professional experiences as a pharmacist is an asset in understanding the complex medical issues suffered by her clients. She is a civil trial specialist trained and experienced in the rules and procedures of law to help protect the public against large corporations and private entities that cause serious harm for which the remedy is compensatory justice. For over 20 years as a lawyer, she has zealously represented clients with competence and integrity with professional courtesy and civility. She has won multimillion dollar awards for clients through verdict and settlement. Twice the firm has been awarded the Christian Business of the Year Award.

Salesia organizes and balances her time between family, work, civil organizations, and hobbies. Appointed by the joint bar associations in Palm Beach County, she is the first African American female to serve on the Palm Beach County Commission on Ethics. Salesia is an active member of several professional and civic organizations including F. Malcolm Cunningham Sr., Bar Association-President (2012-2013), National Bar Association-Life Member, and The Florida Bar Grievance Committee for the 15th Judicial Circuit Division D (chair 2010-2011), Palm Beach County Bar Association, Palm Beach Justice Association, Florida Pharmacy Association, American Society for Pharmacy Law. Her community service includes active participation in the West Palm Beach Chapter, The Links, Inc., Zeta Tau Omega Chapter, Alpha Kappa Alpha Sorority, Inc., Street Beat Inc. Board of Directors (2009-present), League of Women Voters of Florida and the Urban League of Palm Beach County. Salesia has received various honors including "25 Most Prominent & Influential Black Women in 2007" by Success South Florida magazine and named "25 of the most powerful & influential black business leaders of 2012" by Legacy Palm Beach. She is married to Lawrence Gordon, Councilman Town of Haverhill.

### **MICHAEL S. KRIDEL, CPA, CFF, CITP, CFA, VICE CHAIR**

Michael Kridel is a Principal with Rehmann Robson and practices primarily from the Boca Raton office. He is a practice leader in the litigation services area of Rehmann Consulting and its corporate investigation group. Mr. Kridel has practiced public accounting in South Florida since graduation from The George Washington University. Prior to joining Rehmann in 2013, he was a partner with a large Palm Beach County accounting firm for nearly 17 years. Since 1974, Mr. Kridel has provided litigation services in a broad range of matters including family law, stockholder actions, financial damages, fraud





detection, criminal and civil tax matters, wrongful discharge and professional malpractice. Mr. Kridel is a frequent speaker, garnering numerous awards, at national and local conferences for accountants and attorneys on topics such as litigation services, professional ethics, eDiscovery, practice management, information technology and human resources. He is a certified ethics instructor in Florida and is an online instructor in fraud courses for the University of North Carolina at Charlotte. He is a longtime member of the Editorial Review Panels of the Journal of Accountancy and Florida CPA Today. He is also active in several community service organizations and is a Partner in Education at numerous Broward County high schools. For more than twenty years, Mr. Kridel has facilitated an award-winning seminar, Ethical Decision Making in the Workplace and Society, for Broward County high schools, positively influencing nearly 1,500 students annually. He is also the profession's representative member of the Education Advisory Committee of the Florida Board of Accountancy.

### **MICHAEL F. LOFFREDO, PH.D.**

Dr. Loffredo began a career in law enforcement as a United States Army military policeman where he served 3 years active duty. He remained in the reserves and ultimately retired from the Army Reserves Criminal Investigation Command as a Chief Warrant Officer 4 after 25 years of reserve service. Upon leaving active military duty in 1961, Dr. Loffredo Became a Trooper with the Florida Highway Patrol until 1967. In 1968 he joined the newly formed Florida Bureau of Law Enforcement as a special agent becoming the fourth investigator hired with the new agency. Over the course of the next 30 years, he served throughout south Florida as a special agent, supervisor and Agent in charge within various offices. His investigation experience is in a variety of criminal violations including drug and white collar crime. Upon retiring after 35 years in State law enforcement, Dr. Loffredo became an adjunct faculty member at Lynn University in the Masters Criminal Justice Program. In 1998 Dr. Loffredo became Chief of Police for Jupiter Island, where he served until 2005.



Dr. Loffredo received a Ph.D. in Criminal Justice Education from Union University. He attended the FBI National Academy in 1973. His professional affiliations include being a life member of the Florida Police Chiefs Association and Palm Beach County Police Chiefs Association. Dr. Loffredo has also served as past president and life member of the Treasure Coast Police Chiefs Association and past president of the Florida chapter of the FBI National Academy. He is one of the original members of the Palm Beach county Criminal Justice Commission in 1989 and is currently a member of the Reserve Officers Association with the United States Army, Fraternal order of Police, and the International Narcotic Association and is active in various community organizations.

### **CLEVIS HEADLEY, PH.D.**

Clevis Headley is an Associate Professor of Philosophy at Florida Atlantic University. He grew up in Delray Beach and graduated from Atlantic High School in 1980. He attended Sewanee: The University of the South, from which he received his Bachelor's degree in 1985, and conducted his graduate studies in philosophy at the University of Miami, receiving his Ph.D. in 1991. He has been teaching at Florida Atlantic University since 1993 and served as Chair of the philosophy department from 2008 to 2010.



Professor Headley publishes regularly in scholarly journals and anthologies and is a founding member of the Caribbean Philosophical Association. He teaches courses in a variety of areas, including ethical theory and political philosophy.

### **CARMINE A. PRIORE, D.D.S.**

A resident of Wellington for 28 years and of South Florida for more than 65 years, Dr. Priore was first elected to the Village of Wellington Council in March 1996 and re-elected in 2000, 2004 and 2008. He served as Wellington's Mayor from 1998-2000. Dr. Priore began his civic involvement in 1992 when he was elected to the Acme Improvement District's (prior to Village of Wellington's incorporation) Board of Supervisors and served as the Board's President from 1994-1996.



In 2002 he was President of the Palm Beach County League of Cities, and in 2008 he became President of the Florida League of Cities. Additionally he served on the Board of Directors of the National League of Cities. He was a member of the Treasure Coast Regional Planning Council from 2004-2012 and the Metropolitan Planning Organization from 2009-2012. He was appointed by three former governors to state wide committees and also served on multiple Palm Beach County Advisory Boards.

Dr. Priore graduated from the Medical College of Virginia and received both Bachelor of Science and Master of Business Administration from the University of Miami. He is Chairman of the Board of Trustees of Palms West Hospital, a member and past President of the Rotary Club of Wellington and a member of the Board of Directors of the Boys and Girls Club of Wellington. Dr. Priore graduated from Leadership Palm Beach County in 1994 and in 2010 received the Florida League of Cities distinguished E. Harris Drew Lifetime Achievement Award and the Florida City/County Managers Association Presidents Award. In 1999, Dr. Priore received the Tradewinds Division, Gulfstream Council Boy Scouts of America Citizen of the Year Award and in 2012; the Palm Beach County League of Cities awarded Dr. Priore the "Defender of Home Rule."

## **COMMISSION STAFF**

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### **STEVEN P. CULLEN, EXECUTIVE DIRECTOR**

Serving as Executive Director since April, 2013, Steve has more than 30 years of legal experience. After receiving undergraduate and law degrees from the State University of New York, Steve was admitted to the Florida Bar in 1983. He is also admitted in New York, and the District of Columbia. He began his legal career representing plaintiffs in personal injury, medical malpractice, and commercial litigation with a small West Palm Beach firm. In 1987, at the age of 30, he was nominated by the Fourth District Court of Appeal Judicial Nominating Commission and appointed by Governor Martinez as a Judge of Compensation Claims.

Leaving the bench after 12 years, Steve founded a practice focused on mediation, arbitration and private judging. He has conducted in excess of 6000



dispute resolution proceedings with tens of thousands of litigants, lawyers and insurers. Throughout his career, he has served as a lecturer, panel discussant, and moot court judge for numerous professional societies. He is the author of continuing legal education materials for many groups as well as book reviews for the Florida Bar Journal. He has served on the Florida Bar Judicial Evaluation Committee, the Florida Bar Law Related Education Committee, and the Editorial Board of the Florida Bar Journal and News. As an attorney, judge, mediator and Executive Director, Steve always strives to maintain and promote the highest ethical standards.

### **GINA A. LEVESQUE, INTAKE MANAGER**

Ms. Levesque is a former certified law enforcement officer and worked at the Broward County Sheriff's Office for 4 years. In addition to her law enforcement experience, Ms. Levesque served as a legal assistant in the Office of the State Attorney, 15th Judicial Circuit from 1999-2010. Her duties included victim/witness coordination, expungement processing, attorney/witness travel facilitation, case file management and maintaining trial statistics.

Ms. Levesque graduated with a degree in education from Southern Illinois University at Edwardsville in 1988.



### **CHRISTIE E. KELLEY, STAFF COUNSEL**

Ms. Kelley is a former Assistant State Attorney in Florida's Fifth Judicial Circuit. Prior to joining the Commission on Ethics, Ms. Kelley also served as Assistant Director in the Center for Career Development at the University of Florida Levin College of Law, where she focused on advising students interested in government or public interest careers and oversaw the pro bono, public interest, and community service programs.

Ms. Kelley is a member of the Florida Bar. She earned her B.A. in Business Administration (summa cum laude) from the University of Florida and her J.D. from the University of Florida Levin College of Law (cum laude).



### **MARK E. BANNON, SENIOR INVESTIGATOR**

A U.S. Army veteran, Mr. Bannon spent nearly 25 years serving as a deputy sheriff, supervisor and Commander with the Palm Beach County Sheriff's Office where he worked in patrol, investigative and community support assignments before retiring from policing in 2005.

He is a graduate of Florida Atlantic University, and holds a Master of Public Administration degree from Nova Southeastern University. Mr. Bannon attended law school at the University of Miami, and was admitted to the Florida Bar in 2005. He is also a former Assistant State Attorney who prosecuted criminal cases in the 15th Judicial Circuit before entering private law practice.





Mr. Bannon authored a book on criminal procedure for law enforcement officers, which was published in 2003 and has taught criminal justice courses to both police officers and undergraduate students. He brings a unique blend of law enforcement and legal education and experience to the Commission.

### **ANTHONY C. BENNETT, INVESTIGATOR**

Joining the Commission in July of 2013, Anthony C. Bennett comes from a background that expands through both the public and private sectors.



Anthony spent 15 years serving the citizens of Broward County, Florida, while employed with the Broward County Sheriff's Office, rising through several ranks within the agency from Deputy Sheriff to eventually becoming the Executive Officer/Ombudsman to the Executive Director of the BSO's Detention and Community Control Divisions, before leaving public service for private sector employment. Anthony held an Executive level position as the Director of Corporate Security for an infrastructure company based in Washington D.C., and is a proud United States Army veteran, previously serving on active duty during the time of the first Gulf War, Operation Desert Storm.

Anthony holds a Bachelor's Degree in Criminal Justice from Lynn University (Boca Raton, FL), is a graduate of the University of Louisville's Southern Police Institute Command Officers' Development Program, Nova Southeastern University's Executive Leadership Program, and is also a graduate of the United States Army Rehabilitation Training Instructor Course (Fort McClellan, AL). Anthony holds active State of Florida certifications in both Law Enforcement and Corrections.

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## **EDUCATION**

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One of the COE's critical responsibilities is to inform county and municipal employees, officials, persons with or seeking government contracts, lobbyists and the public about the ethical standards expected by the Code of Ethics and related ordinances. COE staff also endeavors to keep Commissioners educated as to their particular duties and responsibilities under the Ordinances.

### **COMMISSIONER TRAINING**

Last year, Commissioners received six hours of training, which included a comprehensive review of all ordinances, rules and procedures, investigative overview, advisory opinions, quasi-judicial functions, best practices during final hearings, and the Sunshine Law. Staff is continually available to update commissioner training, answer questions and provide resource materials.

### **EMPLOYEE AND OFFICIAL TRAINING**

Ethics training is required for all county and municipal elected officials, employees, contract employees, volunteer officials, and advisory board members. The COE and its staff seek to be proactive at all times in its outreach efforts and its relationship with the community in order to increase citizen understanding and participation in government accountability efforts.

In 2014, COE staff conducted in-person, on-site trainings and also provided Ethics Pocket Guides to County and Municipal employees, officials and advisory board members. The training is also available on DVD, through internet streaming from the COE's website and on YouTube. The timeframe for re-training and the method of training continue to be determined by each municipality and agency under the COE's jurisdiction.

## WEB-BASED TRAINING

In addition to the employee and official training programs provided by COE staff, an interactive online quiz is also available. The Ethics Quiz addresses fifteen of the most frequently asked questions on the Code of Ethics.

## OTHER TRAINING AND OUTREACH EFFORTS

COE staff visited each municipality in 2014 to complete a Customer Service survey. These visits provided staff with an opportunity to make personal contact, gather survey data, and seek ways to improve the COE's operations.

## SOCIAL MEDIA

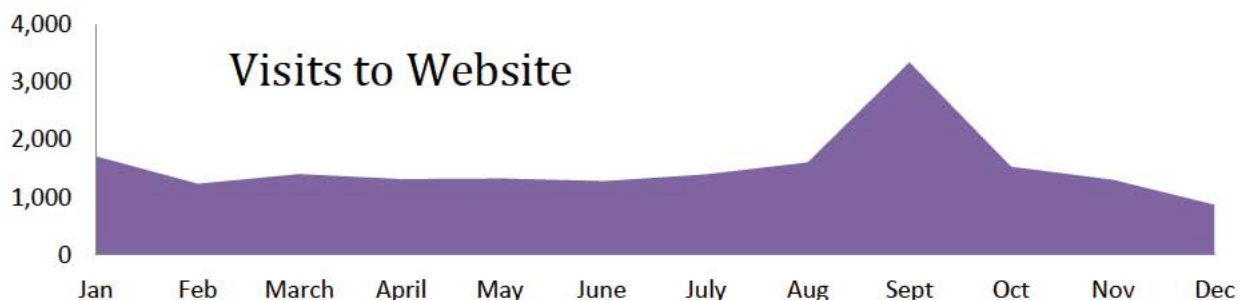
With pages on Facebook and Twitter, the public can access the COE through familiar media sites. In this way, individuals as well as organizations can stay up to date with recent COE decisions, meeting dates, and related reporting on ethics within the county, state, and nationwide. You can contact the COE on Twitter at @PBCCOE or visit us on Facebook at [www.facebook.com/PBCCOE](http://www.facebook.com/PBCCOE).

## WEBSITE

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Staff from the COE and Palm Beach County Public Affairs department redesigned the COE website in 2013. The site continues to employ a user-friendly format with improved capabilities and graphics, including a Most Requested Links tab. An e-book, designed to provide an interactive guide to the functions of the COE is prominently placed on the main page. The new format is compatible with wireless technology, tablets and mobile devices.

With more than 20,000 visits to the website in 2014, the site is designed to enhance transparency, outreach efforts and provide public access to all relevant forms, documents, databases, advisory opinions and investigations.



## MULTIMEDIA

Video of COE meetings, drafting committee meetings and channel 20 programming can be found on the Meetings page.

## ADVISORY OPINIONS

Advisory opinions are searchable by year and by subject matter. All of the existing advisory opinions now include a “Head Note Summary,” which contains a brief synopsis of the issue and the COE’s decision for each opinion.

## COMPLAINTS

All investigative materials, reports and audio files of sworn complaints referred to the COE are available for review under the Databases tab on the left side of the main page.

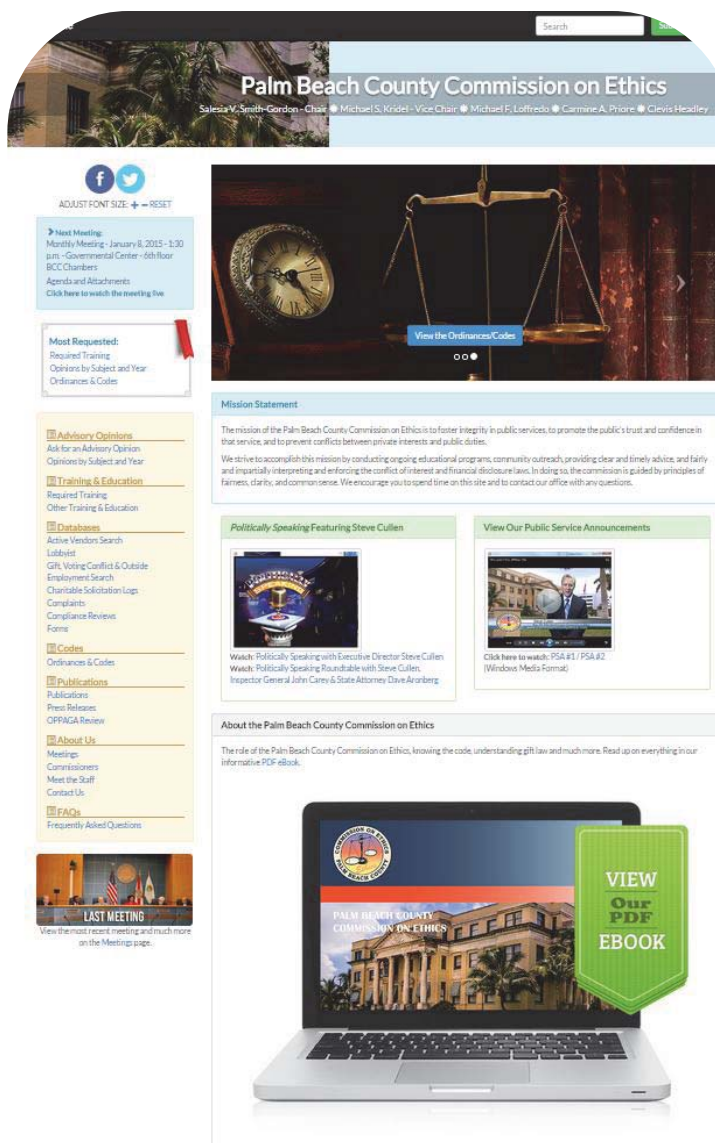
## TRAINING

COE staff provides both in-person and video trainings. In addition to the in-person trainings provided to municipal and county employees and officials by COE staff and the training DVD’s distributed to the county and 38 municipalities, employees and officials can complete their training requirement by streaming training videos at home or at work.

Under the Training & Education tab on the COE’s website, there is a full text copy of the Code of Ethics and plain language guides for public employees and advisory board members. These trainings and guides are available not only to officials and employees but also to members of the public who are interested in learning more about the Code of Ethics and its real world application. Ongoing Code of Ethics training is mandatory for all public officials and employees. Most jurisdictions require ethics training every one, two, or three years.

## SEARCHABLE DATABASES

The COE’s website currently maintains gift reporting, outside employment and voting conflicts databases. This feature allows the public to view employee and official filings with the COE. Advisory opinions are searchable through a tab on the upper right side of the main page.





## OTHER INFORMATION

Serving as a gateway to information on ethics both locally and nationwide, the COE website provides users with access and links to the Palm Beach County Inspector General, the State Attorney's Office, the Palm Beach County lobbyist registration database and county vendor database. The public, employees, and officials will always be able to access up to date information on the Code of Ethics, applicable forms and other resources on our site, including frequently asked questions.

## ADVISORY OPINIONS: ASK FIRST, ACT LATER

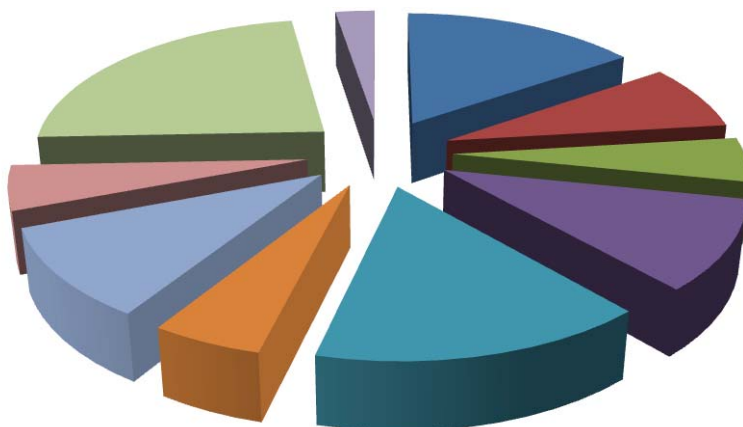
In 2014, the COE issued 39 advisory opinions. Advisory opinions are designed to assist employees, officials and advisory board members and any other persons or entities subject to the Code of Ethics or related ordinances in understanding their obligations under the codes. When in doubt about the applicability or interpretation of the Code of Ethics, employees, officials, and advisory board members may submit the facts of their particular situation to the COE in writing and request an advisory opinion. Each opinion is based upon the specific facts and circumstances associated with that opinion. If you have a question, please ask commission staff to prepare an advisory opinion. As long as the facts submitted to the Commission are complete and accurate, the requesting party may rely on the Commission's response. Advisory opinions concern only the application of the Palm Beach County Code of Ethics and do not analyze other rules or laws that may apply.

Copies of every advisory opinion issued since the Commission's establishment are available in PDF format on the COE's website. They are indexed by subject matter and by year, and they are searchable by clicking on the Google search bar available at the top of each page. In 2014, COE staff handled 65 advisory opinion requests by referring the requesting party to prior COE opinions directly addressing the submitted issues.

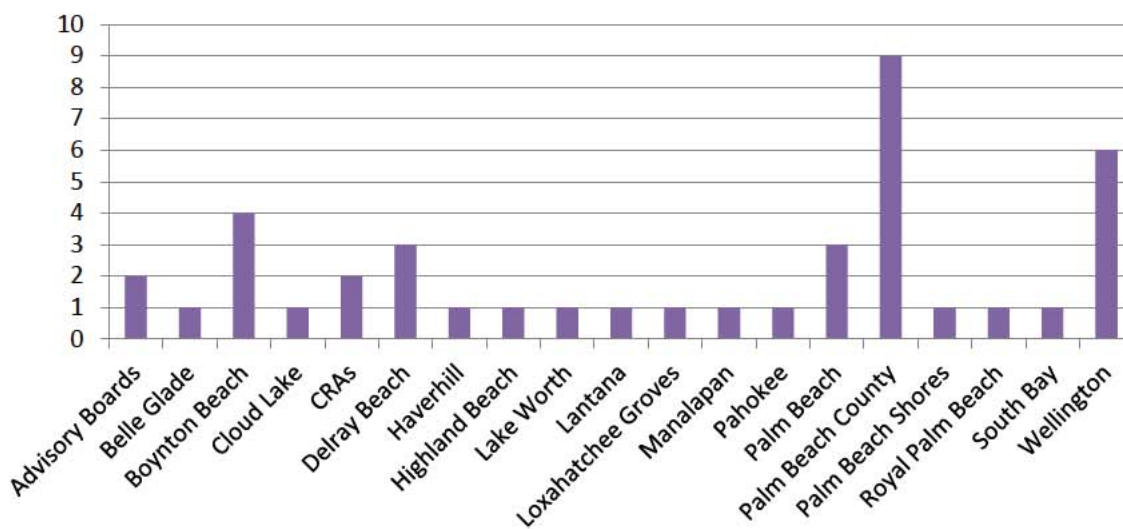
As may be seen below, questions on voting conflicts, gift law, and conflict of interest were the most common.

### Advisory Opinions By Subject Matter

- Conflict of Interest
- Charitable Solicitation
- Lobbyist Registration Ordinance
- Contractual Relationships
- Gift Law
- Jurisdiction of the COE
- Misuse of Office
- Outside Employment
- Voting Conflicts
- Travel Expenses



## Advisory Opinions by Entity



## SUMMARIES OF NOTABLE 2014 ADVISORY OPINIONS

The Code of Ethics is an 11 page document that does not account for every possible scenario or situation but provides overall guidance to employees, officials, government vendors, lobbyists, and their principals. Accordingly, the COE must interpret the words of the code and offer common sense advice to those subject to its jurisdiction. The following summaries are based upon actual advice given in the form of advisory opinions issued by the COE during 2014. They are included here for educational purposes only. These summaries are not intended as legal advice.<sup>1</sup> Each opinion is based upon the specific facts and circumstances associated with that opinion. On occasion, COE staff may refer callers to prior opinions when the issues involve settled general interpretation of the Code of Ethics. COE staff routinely provides referrals to existing opinions to local officials, employees, vendors, lobbyists, members of the public, and the media.

### LOBBYISTS AND LOBBYING

A lobbyist is defined as someone who is paid to lobby on behalf of a principal. A lobbyist can be an outside contractor or an employee whose principal responsibility is lobbying government on behalf of their employer. The Code of Ethics defines lobbying as seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of an official or employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board or governing body. The Code of Ethics prohibits lobbyists from giving gifts in excess of \$100 to a person the lobbyist knows is an elected official or advisory board member of the county or municipality they are lobbying. Moreover, lobbyists engaged in

<sup>1</sup> To the extent that these summaries differ from the language of the original advisory opinion or ordinance, the language in the ordinance and opinion controls.

lobbying activities are required to register pursuant to the Countywide Lobbyist Registration Ordinance effective April 2, 2012.

**Question:** A municipal assistant village attorney asked if the Palm Beach County Lobbyist Registration Ordinance requires registered lobbyists to disclose their lobbyist status on the record or on a Town comment card if they are appearing in their personal capacity as residents or as members of an organization, and if it is not required, if the Town is prohibited from requiring such disclosure. *RQO 14-017*

**Answer:** The Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status when they are appearing in their personal capacity as residents or as members of an organization, as long as the agenda items on which they are commenting does not pertain in any way to a principal they represent in exchange for compensation. However, the Lobbyist Registration Ordinance does not prohibit the Town from imposing a stricter standard of conduct upon registered lobbyists. Registered lobbyists must comply with the rules or other policies and procedures that the Town imposes as long as those procedure are not in conflict with the County Lobbyist Registration Ordinance.

## MISUSE OF OFFICE

The Code of Ethics prohibits employees, officials and advisory board members from using their position to give a *special financial benefit*, not shared with *similarly situated members of the general public*, to 1) themselves; 2) a household member, spouse or domestic partner or their outside business or employer; 3) certain relatives or their outside business or employer; 4) their outside employer or business or someone who they know works for that business; 5) a customer or client of their outside employer or business (\$10,000 in goods or services over the preceding 24 months); 6) a debtor or creditor of an employee or official (at least \$10,000, not including financial institutions); 7) a non-profit organization where the employee or official serves as an officer or director. Simply put, a financial benefit is anything of value. Similarly situated means that everyone in the class of persons or entities affected by a decision benefits in the same way.

**Question:** Is a Councilman prohibited from participating and voting on a matter coming before the Village Council regarding a new civil aviation ordinance which affects the development where he lives? *RQO 14-006*

**Answer:** The general line drawn involves situations where the interest of the public official involves 1% or less of the class, in other words, 100 or more affected persons. Based upon the size of the class presented here (265 home sites), he is not prohibited from participating and voting on the civil aviation ordinance even though he owns property in the affected area.

## GIFTS

The Code of Ethics prohibits employees, officials and advisory board members from accepting anything of value in exchange for the past, present, or future performance of their job. This includes thank you gifts or tips for an official public action or legal duty performed, withheld, or violated. Employees and officials are prohibited from soliciting gifts of any value from someone they know to be a vendor, lobbyist or principal of a lobbyist who sells, leases or lobbies their governmental entity for their personal financial benefit, the benefit of a relative or household member, or another employee. Over the course of the calendar year, employees and officials may not solicit or accept gifts worth more than \$100 in the aggregate from a person they know or reasonably should know to be a vendor or lobbyist of their public employer. Gifts in excess of \$100 that are not prohibited are reportable unless one of several exceptions applies.

**Question:** Where a County Commissioner receives a ticket to a Business Development Board Gala, valued at over \$100 and paid for by a "vendor" of the County, does a company listed on the County's vendor registry as an "active vendor" meet the definition of a "vendor" under Sec. 2-442 and Sec. 2-444(a)(1) of the Code of Ethics, making it a prohibited gift, where the company does not have a pending bid proposal, does not have an offer to sell goods or services, is not currently selling goods or services and where the last sale of goods was for \$169.50 over four years ago. *RQO 14-033*

**Answer:** Based upon the facts submitted, LRP is not a vendor of the county and the gift in question is not prohibited. LRP does not have a pending bid proposal, does not have an offer to sell goods or services, and is not currently selling goods to the county. The fact that the county maintains a vendor database gives the commissioner an additional source of information in making this determination. That source, however, is not infallible and has limitations based upon the facts submitted. Rather, where the only nexus between the company and the county is a prior sale of goods over four years ago, this is not a sufficient enough relationship to establish it as a vendor within the meaning of Sec. 2-442. However, the Commissioner would be obligated to report this non-prohibited gift.

## VOTING CONFLICTS

Section 2-443(c), voting conflicts, addresses the scenario where, by participating or voting on an issue, an elected official would violate the misuse of office section of the code by giving a special benefit to one of the prohibited persons or entities listed under §2-443(a). In such a scenario officials and advisory board members must 1) disclose the nature of his or her conflict before their board discusses the issue; 2) abstain from any discussion or vote or otherwise participate in the matter; and 3) file a state voting conflict form (8B), submitting a copy to the recording clerk and the Palm Beach County COE.



**Question:** Are three members of the board prohibited by the code from voting on a variance application, submitted by a property owner to increase the maximum height from 35 feet to 209 feet in order to construct a 16-story high-rise building, when they all reside in a condominium development immediately adjacent to the proposed project? *RQO 14-032*

**Answer:** Although two of the board members live immediately adjacent to the proposed variance site and one member lives approximately 500 feet away, the facts submitted do not establish a basis to differentiate among their interests. Rather, the facts establish that the three board members live in proximity to the site. The fact that Toscana has filed a motion to intervene in the proceedings establishes only that the group of homeowners, by virtue of their individual ownership of units and the association's ownership of common property, is seemingly opposed to the variance. This is distinguished from a situation where a single homeowner lives immediately adjacent to a proposed development site and has voiced personal opposition to the project because it would cause personal financial loss. Based upon the size of the class affected and the other facts submitted, the economic benefit or loss affects a class large enough so as to remove any prohibited financial benefit. Therefore, the board members may participate in and vote on the matter.

**Question:** A city attorney asked if the Deputy Vice Mayor could participate in a City Commission workshop involving the All Aboard Florida (AAF) project, when her client would be financially impacted by the AAF project, and whether she could vote on a formal resolution regarding the AAF project. *RQO 14-023*

**Answer:** The Deputy Vice Mayor may not vote on the formal resolution or participate in the workshop since the AAF project will have a financial impact on her client. As such, voting on the matter would constitute giving a special financial benefit to a customer or client of the deputy vice mayor's outside business or employer. In order to comply with the Code of Ethics, she will need to publicly disclose the nature of the conflict before the City Commission discusses the matter, abstain from participating and voting on the matter, and file a state voting conflict form.

## CHARITABLE SOLICITATION

The Code of Ethics prohibits an official from using his or her official position to give a special financial benefit to a non-profit organization if they are an officer or director of that organization. Therefore, solicitation of charitable donations made on behalf of a non-profit organization by an officer or director in one's official capacity, for example Commissioner or Police Chief, is *per se* a violation of section 2-443(a)(7), *misuse of office*, of the Code of Ethics. In order for an official to use their official title to solicit donations on behalf of the non-profit they serve, they must resign their position with the charity. Public officials and employees may not solicit or accept anything of value

because of the performance of an official act, or the past, present or future performance or violation of a legal duty. Nor may they solicit a gift of *any value* from a vendor, lobbyist, principal or employer or a lobbyist who sells, leases or lobbies the municipality they serve for their own personal benefit, the benefit of their relatives or household members or the benefit of another employee. If a public official or employee solicits on behalf of a charitable organization recognized under the Internal Revenue Code, the official or employee must maintain a log of any solicitation in excess of \$100 from vendors, lobbyists, principals or employers of lobbyists and submit the log to the Palm Beach County COE within 30 days of the event, or if no event, within 30 days of the solicitation.

**Question:** A City elected official asked if the funds solicited by her for a non-profit organization's yearly luncheon needs to be reported pursuant to the Code of Ethics.

**RQO 14-010**

**Answer:** Under the Code of Ethics, any solicitation must be disclosed. The solicitation form must contain the name of the nonprofit organization, the event for which the funds were solicited, the name of any person or entity that was contacted, and the amount of funds solicited. The solicitation form must be filed with the COE within 30 days after the event or if it is not related to an event then within 30 days from the date of the solicitation. Additionally, as a state reporting individual, she is required to comply with the State's gift reporting requirements.

## CONTRACTUAL RELATIONSHIPS

The contractual relationships provisions control contracts that a public employee or official may have in their private capacity which could conflict with their public duties. Generally, the Code of Ethics prohibits an employee or official from entering into any contract or other transaction to provide goods or services to the public entity they serve. This includes any contract between a municipality or the county and an employee or official, the outside business or employer of an employee or official or any business an employee or an official may own (minimum 5 percent of the business' assets). There are several exceptions that may apply.

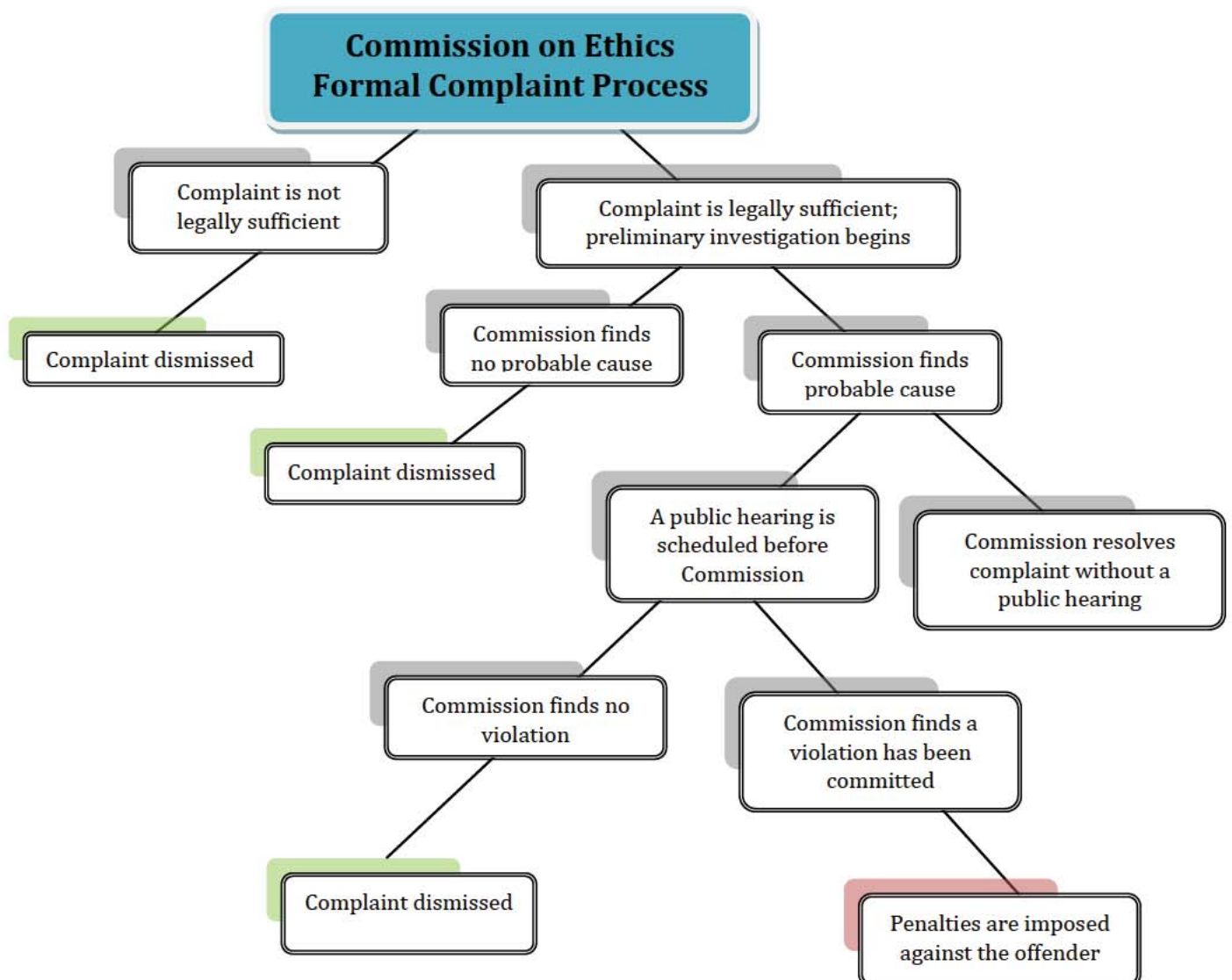
**Question:** An employee of Palm Beach County asked if he may sell a training prop he designed to other federal regional, local, or municipal government entities. **RQO 14-003**

**Answer:** The Code of Ethics does not prohibit an employee from selling a training prop which he designed and manufactured on his own time with his own materials through his outside business to state, federal regional, local, or municipal government entities, excluding Palm Beach County.

## THE COMPLAINT PROCESS

Any person may file a complaint with the COE by submitting a written notarized complaint executed on an approved form available by mail or on our website ([www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)). The complaint must allege a violation of the code of ethics, lobbyist registration or post-employment ordinance, be based substantially upon personal knowledge and be signed under oath or affirmation by the complaining person. The commission maintains a searchable library of all public reports and final orders regarding the disposition of all sworn complaints. You may request a copy of a complaint form or visit our website.

In addition, citizens can leave information and tips anonymously on the COE's hotline at 877-766-5920 or by email to [ethics@palmbeachcountyethics.com](mailto:ethics@palmbeachcountyethics.com). If you chose to remain anonymous, you must be sure to provide specific, detailed information that will allow investigators to determine the identity of persons may have personal knowledge of the alleged violation, as well as any available documentary evidence of a violation, or where such documents may be located.



## COMPLAINTS

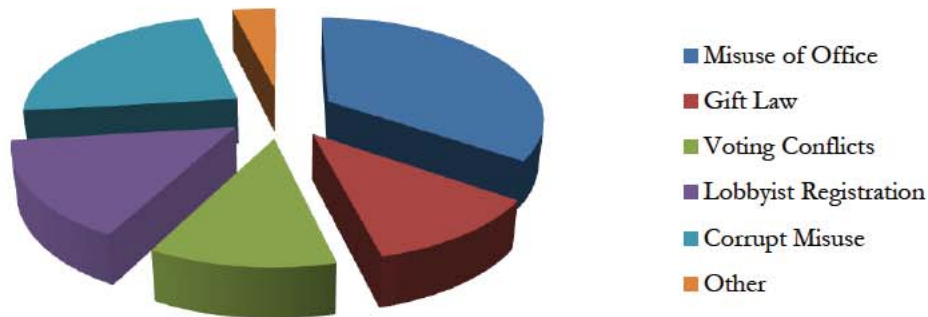
### STATISTICAL SUMMARY OF COMPLAINTS FILED

JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

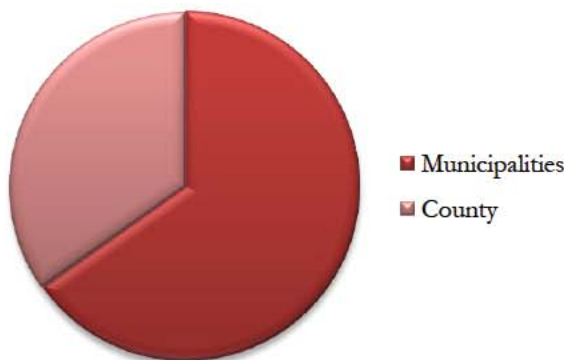
The COE received 13 sworn complaints and self-initiated 2 complaints in 2014. There were 7 sworn complaints dismissed for lack of legal sufficiency, 4 complaints found to be legally sufficient and 4 pending a legal sufficiency determination. Of the 4 cases found to be legally sufficient, 1 case are still pending a probable cause determination, 2 were dismissed at probable cause hearings, and the remaining case, C14-010, resulted in a settlement agreement.

In addition, staff opened inquiries into 34 matters based upon information received other than by formal complaint. Of these inquiries, 26 were closed as not legally sufficient, 2 became the basis for self-initiated complaints, and 6 inquiries are ongoing. In 2014, COE staff fielded approximately 780 calls on the COE Hotline (1-877-766-5920), 70 calls were referred to another agency, and 11 calls resulted in an inquiry or investigation.

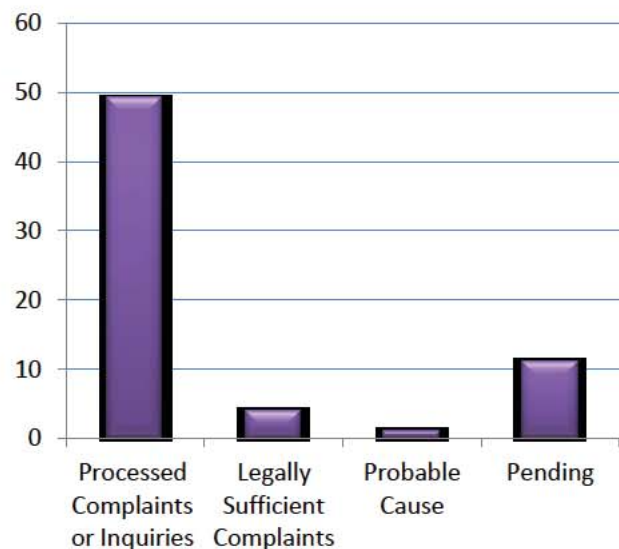
### Subject Matter of Complaints



### Complaint and Inquiry Origination



### Complaint and Inquiry Disposition





## FISCAL REPORT

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Pursuant to Commission on Ethics Ordinance §2-259, Palm Beach County provides financial support for COE operations.

In fiscal year 2013-2014, the COE expended \$515,952 of the budgeted \$564,299. Thus, \$48,346 was unspent. Detailed budget information is available from Palm Beach County Office of Financial Management and Budget, [www.pbcgov/ofmb](http://www.pbcgov/ofmb).

For Fiscal Year 2014-2015, the COE Budget has been moved to the General Fund. COE staff works closely with county staff on budgetary matters.

## LEGISLATIVE ACTIVITIES AND INITIATIVES

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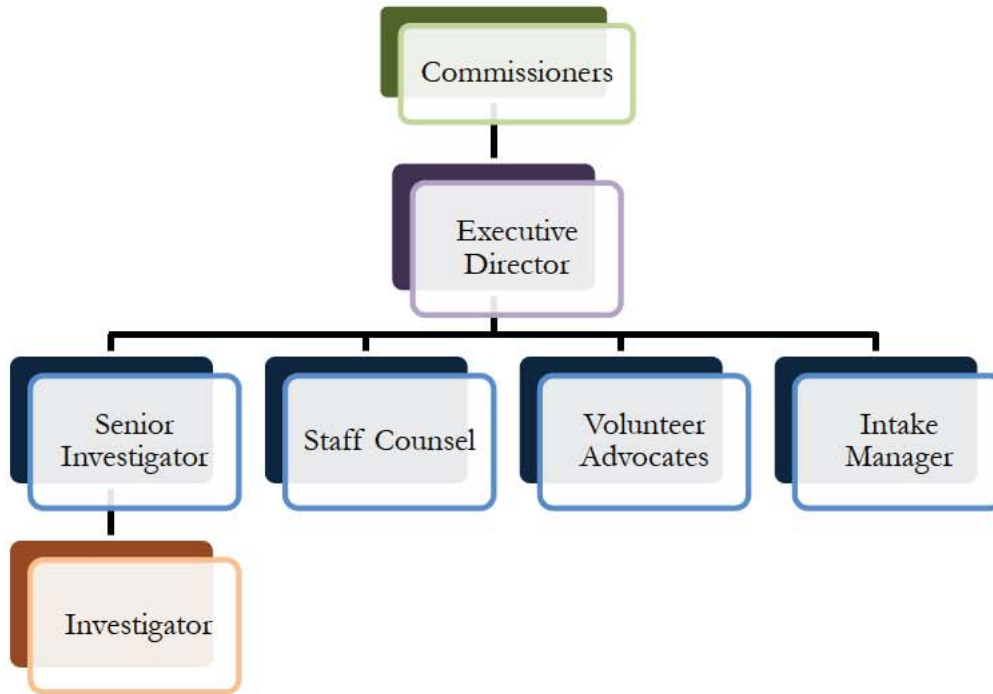
The COE is charged with reviewing statutes and ordinances relating to ethics in government and making policy recommendations to the Board of County Commissioners. After the 2010 referendum, a drafting committee was established to review and revise the Commission on Ethics and Code of Ethics Ordinances. The COE, through the Executive Director, was actively involved in developing and revising the Code of Ethics to include municipal governments. The revised code of ethics contains a number of substantive changes and took effect on June 1, 2011. For example, and perhaps most notably, the revised code includes vendors in those sections dealing with prohibited gifts.

Public employees and officials may not accept a gift over \$100 annually in the aggregate from a vendor, lobbyist, principal or employer of a lobbyist. Similarly, vendors and lobbyists have a duty under the revised code not to offer a prohibited gift to someone they know is a public employee or official who is employed by or serves a government the vendor or lobbyist vends, leases or lobbies. Holding vendors responsible for knowing violations of the gift law sends a strong message to the business community that the giving of prohibited gifts is actionable under the law. Provisions such as these make the Palm Beach County Code of Ethics among the most proactive in the United States.

Also, the COE worked with the Palm Beach County League of Cities and Palm Beach County Administration to establish a county-wide lobbyist registration ordinance regulating certain lobbying activities and creating a central registration database. Effective April 2, 2012, lobbyists in 35 municipalities and the county will need to register, provide yearly expenditure reports and sign contact logs maintained by the public entity they lobby. In addition, vendors and lobbyists are subject to a “cone of silence” contact prohibition when bids and proposals are pending.

During 2014, the best practices of the COE have been debated and reviewed. On the statewide level, policymakers and legislators have shown interest in how a local ethics commission, like ours, operates. This interest has the potential to form the basis of possible legislative activity during the next session.

## COMMISSION ON ETHICS ORGANIZATIONAL CHART



## 2015 PROJECTS

Anticipated Start      Finish		Description	Expected Results
1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	Create quarterly newsletter	Provide additional outreach opportunity
1 <sup>st</sup> Quarter	3 <sup>rd</sup> Quarter	Monitor any plan to suggest changes to empowering ordinances, rules and by-laws	Improve best practices
1 <sup>st</sup> Quarter	3 <sup>rd</sup> Quarter	Continue to evaluate training effectiveness and consider improvements	Deliver the most effective training
1 <sup>st</sup> Quarter	4 <sup>th</sup> Quarter	Gather and analyze data from existing performance metrics. Establish a formal performance measurement plan	Use results to improve operations
1 <sup>st</sup> Quarter	4 <sup>th</sup> Quarter	Continue to update and improve COE Website	Maintain best possible information portal for public use





*PalmBeachCountyEthics.com*

**HOTLINE:**  
**(877) 766-5920**