

**Palm Beach County
Commission on Ethics
2010-2011
Annual Report**

PALM BEACH COUNTY COMMISSION ON ETHICS

2010-2011 ANNUAL REPORT



2633 VISTA PARKWAY
WEST PALM BEACH,
FLORIDA 33411



Palm Beach County Commission on Ethics

Commissioners

Edward Rodgers, Chair
Manuel Farach, Vice Chair
Robin N. Fiore
Ronald E. Harbison
Bruce E. Reinhart

Executive Director

Alan S. Johnson

June 1, 2011

Chairman Edward Rodgers
Palm Beach County Commission on Ethics
2633 Vista Parkway
West Palm Beach, FL 33411

Dear Chairman Rodgers,

The Commission on Ethics and Code of Ethics Ordinances became effective May 1, 2010. Since that time, the commission has presided over the birth of a new process within Palm Beach County. The COE has been delegated the authority to review, interpret, render advisory opinions and enforce the Code of Ethics, Post-employment and Lobbyist Registration Ordinances. Additional duties include ongoing training and community outreach. In November, 2010, 72% of Palm Beach County voters approved a referendum extending the jurisdiction of the Commission on Ethics and Code of Ethics to all 38 municipalities within the county.

With these duties and mandates in mind I am pleased to present the 2010-2011 annual report to the Palm Beach County Commission on Ethics.

The first year of operation began with the start-up process of putting an ethics office together. Rules of Procedure and By-Laws were written and adopted. An office, hot-line and website were established with the assistance of county administration staff. We began processing advisory opinions and complaints. By April 30, 2011, the Commission on Ethics had processed 61 advisory opinions, 20 complaints and 15 inquiries based upon information received by staff.

Regarding staff, in May 2010 you appointed me as your Executive Director as provided by the Commission on Ethics Ordinance. In June, I hired an administrative assistant followed by an investigator in October and a part-time research assistant in December. Staff counsel was retained in early 2011, and I have projected the need for an additional investigator once the 38 municipalities are fully integrated into the process.

In an effort to save tax dollars, we have instituted a volunteer advocate program in conjunction with the Legal Aid Society of Palm Beach County. Fifteen former prosecutors and public defenders, now in private practice, have volunteered to process complaints before the ethics commission on a pro-bono basis. Attorneys in the program work closely with commission staff and follow each case through the complaint process, including probable cause and final hearings involving alleged ethics violations. By utilizing cost saving programs, careful stewardship regarding staff and procurement, and developing working relationships with existing county departments to reduce operating costs, we have been able to achieve a \$67,000 operating reserve in the 2009-2010 fiscal budget (partial year), and I predict a similar reserve will be achieved during the 2010-2011 fiscal year.

Community collaborations, training and outreach were a critical component of the first year of our operation. Staff has participated in more than 80 presentations, trainings, forums, workshops and other community events before civic and social organizations, professional associations and county and municipal employees and officials.

In order to provide effective outreach, training and transparency, setting up a vibrant and viable web presence is of paramount importance. The COE website provides a vehicle for training, advice and transparency. All advisory opinions, legally sufficient complaints and COE public reports are available and issues may be searched with a recently developed and user friendly search engine. Databases which include gift reports, non-profit fundraiser solicitation logs, voting conflict reports and outside employment waivers are or will be available for public scrutiny. The web site also includes links to additional databases such as county registered lobbyists and their principal employers. Visits to our website average almost 1000 per day.

Staff has partnered with local area colleges to develop an internship program. Currently, interns from Palm Beach Atlantic University have been working with staff to develop an interactive training program. Students from the Palm Beach State College Graphics Department will be working on interactive animation programs during the upcoming fall semester.

Legislatively, early on, the Commission on Ethics urged the County Commission to adopt several revisions to the Code of Ethics. Among the changes adopted was to allow the Inspector General, State Attorney and Executive Director of the COE to self-initiate complaints when there is legal sufficiency based upon sworn statements of material witnesses to a violation. Pursuant to the 2010 Ethics Referendum, a drafting committee was established to develop county-wide Code of Ethics and Commission on Ethics Ordinances. This committee consisted of members appointed by the Board of County Commissioners, the League of Cities, their respective legal counsel and the COE Executive Director. The drafting committee worked diligently to develop appropriate ethics ordinances, which will expand the COE jurisdiction to all 38 municipalities within the county. Through this collaboration, a number of revisions were made to the codes. Final reading and adoption of these revised codes occurred on May 17, 2011 to become effective on June 1, 2011. In anticipation of this expansion, staff has already begun the process of training municipal employees and officials and re-training within county government.

As our first year of operation comes to a close, it has been our goal not only to set up an efficient and effective working office, but through training and outreach, to increase both awareness and compliance with the Code of Ethics.

It has been my pleasure and a distinct honor to have worked with you and your fellow commissioners over the past year. As always, I appreciate the hard work and diligence exhibited by the commission in promoting the highest standard of public service within local government.

Sincerely,



Alan S. Johnson
Executive Director

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Hotline: 877.766.5920 E-mail: ethics@palmbeachcountyethics.com

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MISSION STATEMENT

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

We strive to 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.

HISTORY

This publication is intended to inform local governments and the general public of the Palm Beach County Commission on Ethics' work during the past year. Foremost among the goals of the code of ethics is to promote public trust in government. The code is intended to ensure that public officials, employees and advisory board members conduct themselves independently and impartially, not using their offices for private gain other than the compensation provided to them by law.

Palm Beach County has a current population of 1.3 million residents and has grown significantly in the past decade in terms of size and diversity. The county has 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 with a total workforce of 9,000 full and part-time employees, 258 municipal boards and committees with 1,800 volunteer officials, and 194 elected officials in the aggregate.

In 2009, Palm Beach County turned 100, but the county's centennial celebration was marred by the high-profile convictions of long-serving city and county commissioners. These federal convictions culminated during a particularly hard time for the county amidst plummeting real estate values, a soaring foreclosure rate and sinking tourism dollars. A unique blend of citizen and business groups began a grassroots campaign to reverse an ethical slide that resulted in our being derisively referred to as "Corruption County." That same year the State Attorney convened a grand jury for an *Investigation of Palm Beach County Governance and Public Corruption Issues*. In response to the 2009 grand jury report the Board of County Commissioners established an independent Commission on Ethics, Code of Ethics and Inspector General. In May of 2010, these ordinances went into effect.

Designed to encourage transparency in local government and promote renewed public trust and confidence in elected officials and employees, the Commission on Ethics (COE) and Code of Ethics Ordinances enable the COE to oversee ethics compliance. However, while the commission has statutory license to punish offenders, commission staff strives not only to enforce the code but to educate employees and public officials on how the new rules will affect governance and implementation of policy throughout the county.

Looking forward, the Palm Beach Commission on Ethics is faced with a new challenge; incorporating, monitoring and enforcing the code of ethics in 38 municipalities within the county's borders. 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. Three municipalities, Lantana, Lake Worth and Boynton Beach adopted the code prior to the ballot measure. Voters overwhelmingly supported the measure to place both the Commission on Ethics and Inspector General provisions into the county charter, expanding the jurisdiction of the ethics commission to all local governments. Commission 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

The Palm Beach County Commission on Ethics is responsible for the following: monitoring, administering and enforcing the county's governmental ethics laws; providing advisory opinions to employees, officials and vendors who fall within the jurisdiction of the commission; providing training and outreach for the benefit of employees and officials, vendors and contractors, nonprofit corporations and other entities that transact business with or are regulated by the county, and; proposing governmental ethics law reform.

The key to our ethics commission is independence. In fact, by definition both the Commission on Ethics and the Inspector General are independent offices. Ethics commissioners cannot be removed or otherwise influenced by the County Commission and are appointed by various civic, educational and professional non-political organizations. 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.

The Ethics Commission currently has jurisdiction over Palm Beach County government¹ provided the subject matter falls within one of the following ordinances under its authority:

Code of Ethics Ordinance
Lobbyist Registration Ordinance
Post-Employment Ordinance

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

Aside from enforcing the code of ethics through the complaint and hearing process, commission staff investigates complaints, issues advisory opinions, and provides information and training to officials, employees, vendors, civic and professional groups throughout Palm Beach County.

¹ On June 1, 2011, the jurisdiction of the Commission on Ethics will extend county-wide to all 38 municipalities within Palm Beach County for the Code of Ethics.

ABOUT THE COMMISSION

The Commission on Ethics is composed of five volunteer members who serve staggered terms of four years each. Each member of the commission on ethics 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.

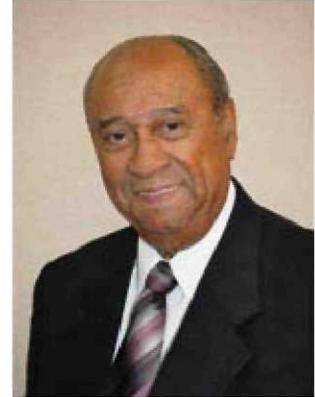
Members are appointed by the following individuals or institutions:

- **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.
- **President of the Hispanic Bar Association of Palm Beach County, the President of the F. Malcolm Cunningham, Sr. Bar Association, 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.
- **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.
- **President of the Palm Beach Chapter of the Florida Institute of Certified Public Accountants** – one appointment with the following qualifications: A member with at least five (5) years experience as a certified public accountant with forensic audit experience.
- **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.

THE COMMISSION ON ETHICS

Judge Edward Rodgers (Ret), Chair

Judge Rodgers served as a Judge in Palm Beach County for 22 years in the Civil, Criminal and Probate Courts. His judicial tenure includes roles as Chief Judge for the Fifteenth Judicial Circuit and Administrative Judge in County and Circuit Court. Judge Rodgers has lectured extensively on many topics before lawyers and judges. He has received over fifty public awards and tributes, including the prestigious Jefferson Award in honor of the weekend drug court that he established.



Since retiring from the law in 1995, Judge Rodgers has received other awards and served on special commissions. In Riviera Beach, where he lives and served as city councilman, the U.S. Post Office was renamed for Edward Rodgers in 2004.

Judge Rodgers graduated from Howard University with a Bachelor of Arts, and subsequently obtained his Juris Doctorate from Florida A&M University College of Law.

Manuel Farach, Esq. Vice-Chair

Mr. Farach is a real estate and business lawyer practicing in West Palm Beach. Mr. Farach counsels businesses and individuals in complex transactions as part of his practice, and his experience advising businesses includes time spent as outside general counsel for a savings and loan association.



He is Board Certified by The Florida Bar in both Real Estate Law and Business Litigation. Mr. Farach has served as an arbitrator for the American Arbitration Association for over twenty years and has significant FINRA (formerly the NASD) arbitration experience.

Mr. Farach has also served in different capacities regarding the ethical practice of law, including Chair of the Fourth District Court of Appeal Judicial Nominating Commission, President of the Craig S. Barnard Inn of Court, President of the Palm Beach County Bar Association, and as an expert witness for The Florida Bar in lawyer disciplinary matters.

Mr. Farach graduated the Florida State University College of Law *cum laude*. He graduated from Stetson University in 1981 with a dual major in English and Business.

Bruce Reinhart, Esq.

Mr. Reinhart is an attorney in private practice in West Palm Beach. He also has 20 years of experience in the federal criminal justice system. He served as an Assistant United States Attorney in West Palm Beach, investigating and prosecuting public corruption, tax evasion and financial fraud. He was a Senior Policy Advisor to the Under Secretary of the Treasury for Enforcement, developing and implementing law enforcement policies for the Bureau of Alcohol, Tobacco and Firearms; U.S. Customs; Secret Service and IRS. He also served in the Department of Justice's Criminal Division, Public Integrity Section.



Mr. Reinhart holds a B.S.E. in Civil Engineering, with honors, from Princeton University and a J.D. from the University of Pennsylvania Law School.

Robin N. Fiore, Ph.D.

Dr. Fiore joined the University of Miami Ethics Program at the University Of Miami Miller School Of Medicine in 2010. Previously, she served as the Adelaide R. Snyder Professor of Ethics at Florida Atlantic University. Dr. Fiore specializes in biomedical ethics and professional ethics. She has served as an ethics consultant or ethics advisory committee member for a number of governmental agencies, including the Florida Public Service Commission, Florida Department of Health, Florida Department of Corrections Bioethics Committee, Florida Department of Children and Families and Florida Developmental Disabilities Council.



Dr. Fiore earned her Doctorate in Philosophy from Georgetown University in Washington, DC, after post-baccalaureate studies in religion and ethics at Drew University Graduate and Theological School in Madison, New Jersey. From 1977 through 1990, she enjoyed a corporate career in employee benefits consulting.

Ronald E. Harbison, CPA

Mr. Harbison is the founder of Valuation Analysts, LLC; a business valuation and financial forensics firm, focusing on estate and gift, commercial litigation and family law. In addition, Mr. Harbison has provided forensic accounting services, been a consultant on mergers and acquisitions, and has served as an Agent for the United States Internal Revenue Service, where he conducted tax examinations of corporations, partnerships and high net worth individuals. He also has served as an Adjunct Professor of Accounting for Palm Beach Atlantic University and is currently the Chairman of the Ethics and Disciplinary Committee of the Institute of Business Appraisers.



Mr. Harbison graduated from Florida State University with a Bachelor of Arts in Government/Pre-Law, and earned a Master of Science in Management/Accounting from Rollins College.

COMMISSION STAFF

Alan S. Johnson, Executive Director

Prior to his selection as Executive Director, Mr. Johnson was a 17 year state prosecutor for the 15th Judicial Circuit in Palm Beach County. As an Assistant State Attorney Mr. Johnson has tried over 100 serious felony cases and in 2001 became Chief of the Felony Division. In 2005 Mr. Johnson took over the role of Chief Assistant State Attorney until 2009 when he became Senior Counsel for a newly established State Attorney Public Integrity Unit.

Mr. Johnson has also served in various capacities as a member and chairman of the Florida Bar Grievance Committee and the Unlicensed Practice of Law Committee as well as serving as a volunteer youth court judge. Since 2000, Mr. Johnson has been a frequent instructor for the Florida Prosecuting Attorneys Association in areas including ethics for prosecutors, victim rights, homicide prosecution, evidence and jury selection.

Mr. Johnson graduated from Columbia University in 1973 and obtained his law degree from Georgetown University Law Center in 1976.



Gina A. Levesque, Administrative Specialist

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 secretary 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.



Mark E. Bannon, 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.

Megan C. Rogers, Staff Counsel

Ms. Rogers joins the Commission on Ethics after clerking for The Honorable William Robbins of the Colorado District Court. In addition, Ms. Rogers worked as an age-discrimination associate in the national office of AARP Foundation in Washington, D.C. and as a Research Associate with Legal Writing Pro, an advanced legal writing training firm. A 2008 graduate of the University of Denver-Sturm College of Law, Ms. Rogers served as the Training Editor of the Denver Journal of International Law and Policy. During law school, she interned for the Colorado Office of the Attorney General and the Colorado Division of Civil Rights. In these positions, she worked on cases involving federal and state discrimination statutes. Ms. Rogers is admitted to practice in Florida, Colorado and the District of Columbia.



Benjamin Evans, Research Assistant

Mr. Evans is a lifelong resident of Palm Beach County. He is a graduate of Cardinal Newman High School in West Palm Beach and the University of Florida where he received a B.A. degree in history in December, 2009.



FISCAL REPORT

In 2010, the COE expended sixty-one percent of budgeted salaries, sixty-two percent of budgeted operations expenses and eighty-two percent of its budgeted capital. The total capital outlay was sixty-two percent of budgeted expenditures. Based upon the COE's current spending rate during the 2011 fiscal year, the COE will expend eighty-five percent of its budgeted salaries, twenty-nine percent of budgeted operations expenses, and fifty-six percent of budgeted capital. The projected total capital outlay for the 2011 fiscal year is seventy-four percent of budgeted expenditures, putting the COE on track to maintain a budget reserve in excess of one hundred thousand (\$100,000) dollars.

PALM BEACH COUNTY COMMISSION ON ETHICS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES

Budget and Actual- General Revenue Funds
May 1, 2010 to September 30, 2010

REVENUES:

		<u>Budget</u>	<u>Actual</u>	<u>Variance-Favorable</u> <u>(Unfavorable)</u>
Released General Revenue Appropriations		180,000	180,000	0
Fines		<u>0</u>	<u>0</u>	<u>0</u>
Total Revenues		180,000	180,000	0

EXPENDITURES:

		<u>Budget</u>	<u>Actual</u>	<u>Variance-Favorable</u> <u>(Unfavorable)</u>
Salaries and Related Benefits		140,000	85,002.75	54,997.25
Other Personal Services		27,703	17,231.18	10,471.82
Capital		<u>12,197</u>	<u>10,044.53</u>	<u>2,152.47</u>
Total Expenditures		180,000	112,278.28	67,621.54

		<u>Budget</u>	<u>Actual</u>	<u>Variance-Favorable</u> <u>(Unfavorable)</u>
Excess Revenues over Expenditures		0	67,621.54	67,621.54
Budgetary Fund Balance Sept. 30, 2010			67,621.54	

PALM BEACH COUNTY COMMISSION ON ETHICS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES

Budget and Actual- General Revenue Funds
October 1, 2010 to September 30, 2011

REVENUES:

	<u>Budget</u>	<u>Actual</u>	<u>Variance-Favorable</u> <u>(Unfavorable)</u>
Released General Revenue Appropriations	475,626.00	475,626.00	0
Fines	<u>0</u>	<u>0</u>	<u>0</u>
Total Revenues	475,626.00	475,626.00	0

EXPENDITURES:

	<u>Budget</u>	<u>Actual</u> <u>(May 2011)</u>	<u>Projected</u> <u>Variance-Favorable</u>
Salaries and Related Benefits	378,833.00	188,920.45	54,969.37
Other Personal Services	90,293.00	15,104.75	64,399.14
Capital	<u>6,500.00</u>	<u>2,153.17</u>	<u>2,808.92</u>
Total Expenditures	475,626.00	206,178.37	122,177.43

	<u>Budget</u>	<u>Projected</u>	<u>Projected</u> <u>Variance-Favorable</u>
Projected Excess Revenues over Expenditures	0	122,177.43	122,177.43
Projected Budgetary Fund Balance Sept. 30, 2011		122,177.43	

TRAINING AND OUTREACH

The Commission on Ethics staff is responsible for providing in-person and/or video training to county and municipal elected officials, employees and advisory board members. In conjunction with the Commission's mission to promote the public's trust in their public servants, the major focus of the COE for the 2010 -2011 year was training and outreach. The Commission 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. Over the course of the last year Commission staff has conducted over 80 in-person trainings.

During each training session, employees and officials are provided with the core ethics concepts including conflict of interest, prohibited contractual relationships, misuse of public office and gift law prohibitions and reporting requirements. During each live session attendees have the opportunity to ask questions about the general provisions of the code. These sessions are designed to raise awareness about our new ethics laws and to emphasize that employees, vendors, officials, lobbyists and the public should always seek advice from the ethics commission to avoid violations. Whenever possible, Commission staff conducts live training; however, a full copy of our training is available on DVD and streaming video via our website.

Specifically, Commission staff arranged to educate the following municipal and county officials and employees with in-person ethics training and overview presentations:

City of Atlantis	Town of Ocean Ridge
City of Belle Glade	Town of Palm Beach
City of Boca Raton	Town of South Palm Beach
City of Boynton Beach	Village of North Palm Beach
City of Delray Beach	Village of Royal Palm Beach
City of Greenacres	Village of Tequesta
City of Lake Worth	Village of Wellington
City of Pahokee	
City of Palm Beach Gardens	
City of Riviera Beach	
City of South Bay	
City of West Palm Beach	
Palm Beach County Advisory Board	
Palm Beach County Board of County Commissioners	
Palm Beach County Staff	
Town of Cloud Lake	
Town of Gulf Stream	
Town of Haverhill	
Town of Hypoluxo	
Town of Juno Beach	
Town of Jupiter	
Town of Lake Clark Shores	
Town of Lantana	
Town of Magnolia Park	
Town of Manalapan	

In addition, commission staff presented educational programs to a diverse range of civic associations and entities:

African American League
Association of Fundraising Professionals
Boynton Beach Jewish Center
Co-op Extension Service
Cypress Lakes Democratic Club
Economic Counsel of Palm Beach County
Florida Engineering Society
Investment Policy Committee – Palm Beach County Constitutional Clerk and Comptroller
Jewish Federation Forum
Lake Worth Chamber of Commerce
Leadership Palm Beach
Loxahatchee Groves Land Owners Association
Media Co-op Presentation
Northwood University
Palm Beach Atlantic University
Palm Beach Chapter of the Florida Institute of Certified Public Accountants
Palm Beach County Bar Association – Environmental and Land Use Committee
Palm Beach County City Management Association
Palm Beach County League of Cities
Palm Beach County Workforce Alliance
Property and Real Estate Management Training
Rotary Club- Boca Raton
Small Business Administration Advisory Committee
Tourist Development Council
Tri Rail Commission
Western Communities Council
Wilkes Honors College, Florida Atlantic University

The largest expansion in our ethics training is yet to come with the development of an online ethics-training/quiz module. We are working to develop an online ethics quiz that will provide employees, officials and the public with an additional resource. Available on our website, the quiz will address scenarios that have come before the commission as requests for advisory opinions or frequently asked questions.

WEBSITE

Last year staff launched the Commission on Ethics website and has continued to receive positive feedback regarding the quality, user-friendliness and accessibility of commission documents and information. The website is designed to enhance transparency, outreach efforts and provide public access to all relevant forms, documents, advisory opinions and investigations. In April 2011 alone, the Commission on Ethics site was visited 29,194 times, nearing 1,000 visits per day.

Multimedia

One click on our multimedia tab and employees, officials and the public can view all commission meetings, drafting committee meetings and channel 20 programs. Click over to the meeting schedule/minutes tab and you will find upcoming meeting times, agendas and updated minutes, providing community members with up to date status reports of all commission action.

Training

As discussed previously, commission staff provides both in-person and video trainings. At our training tab employees, officials and the public can view staff and advisory board training videos from their home or office. Under our training tab you will also find a full text copy of the code of ethics and our guides to the code of ethics for public employees and advisory board members. These plain language guides are designed to give employees and advisory board members the must-know essentials of our code. Employees, officials and advisory board members can always access their training acknowledgment forms via our website. Finally, for those employees and officials who have additional reporting requirements under state law, we have included a guide to the Florida code of ethics.

Searchable Databases

The commission website currently maintains a gift reporting database. This feature allows the public to view gift forms currently on file with the Commission on Ethics. In the near future, the public will be able to view not only gift reports, but outside employment waivers and elected and advisory board voting conflict forms. An additional feature soon to be integrated into the site is the ability to research existing advisory opinions and complaints by search term. Finally, as part of the revisions to the code of ethics completed by the drafting committee, officials and employees who personally solicit gifts for charitable organizations will be required to keep a log of all solicitations they make on behalf of an organization and submit that information to the Commission on Ethics within 30 days. Once received, this information will be available on our website.

Other Information

Serving as a gateway to information on ethics both locally and nationwide, the Commission on Ethics website provides users with access and links to the inspector general, the state attorney's office, the Palm Beach County lobbyist registration database as well as municipal and county vendor information when available. 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 our frequently asked questions tab.

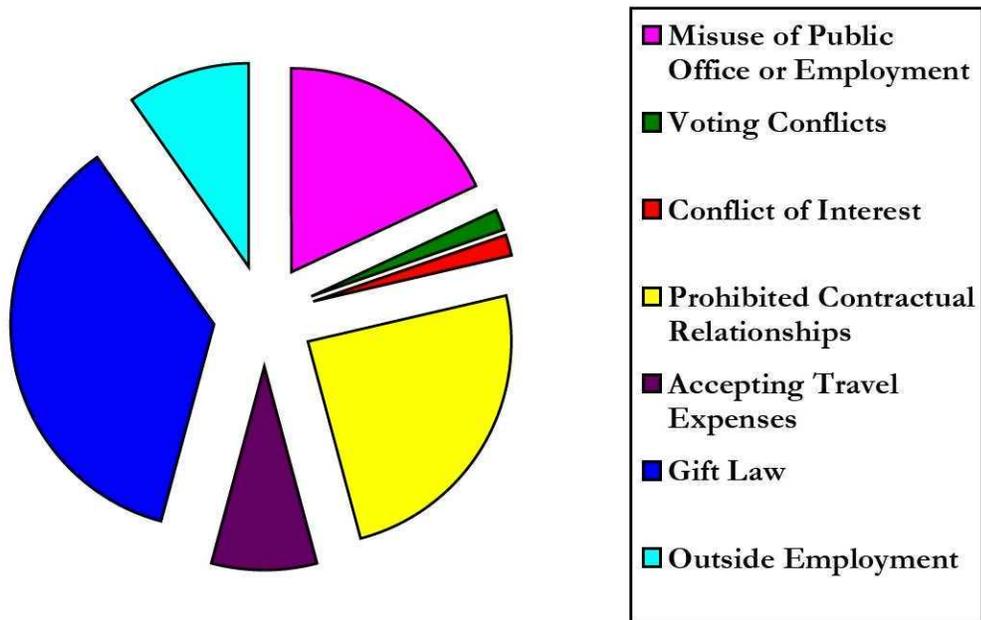
Social Media

In the coming year, the commission will launch Twitter and Facebook pages. Our twitter feed at *PBCEthics* will allow our followers to receive updates via text message on their mobile phones. Make sure to follow *PBCEthicsIntern* for an inside look at our office and meetings from an intern's perspective. Our Facebook page will provide an additional point of access for community members and will feature our calendar and discussion of governmental ethics related issues.

ADVISORY OPINIONS: ASK FIRST, ACT LATER

In 2010-2011, the Commission on Ethics issued 61 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 code. When in doubt about the applicability or interpretation of the ethics codes, employees, officials and advisory board members may submit the facts of their particular situation to the Commission on Ethics in writing and request 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 by Topic

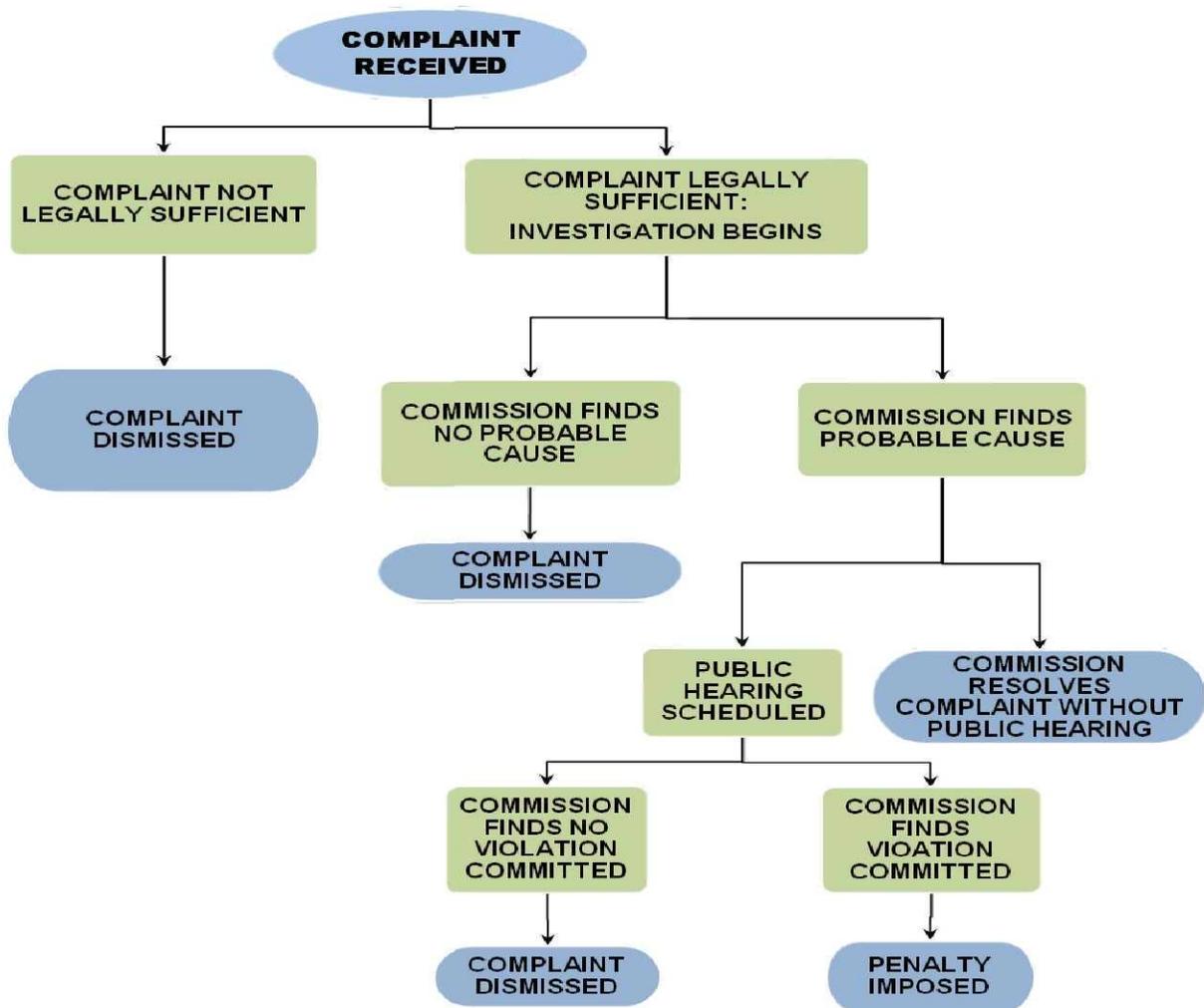


All advisory opinions are available on the commission website at www.palmbeachcountyethics.com. You may request a copy of any commission opinion in writing via U.S. mail at 2633 Vista Parkway, West Palm Beach, Florida 33411.

THE COMPLAINT PROCESS

Any person can file a complaint with the Commission on Ethics by submitting a written notarized complaint executed on the approved form available by mail or on our website (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 public reports and final orders regarding the disposition of all legally sufficient filed 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 Commission on Ethics hotline at 877.766.5920. If your contact is anonymous, you must be sure to give specific, detailed information sufficient to support an inquiry into the allegation.



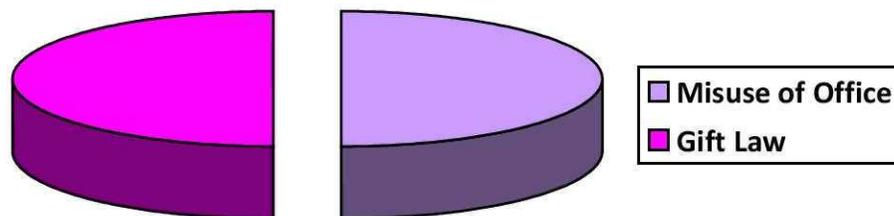
COMPLAINTS

STATISTICAL SUMMARY OF COMPLAINTS FILED MAY 1, 2010 THROUGH APRIL 30, 2011

Of the 20 Complaints received since May 2010, 4 were found to be legally sufficient and were the subject of a formal investigation; 16 were dismissed for lack of legal sufficiency; and no cases were pending determination as of May 1, 2011. A breakdown of the allegations made in legally sufficient complaints is illustrated below. Of the 4 cases found to be legally sufficient, all were dismissed at a probable cause hearing. Two cases resulted in a letter of instruction being issued to the Respondent by the Commission on Ethics.

In addition to handling the 20 complaints received in 2010-2011 staff began inquiries into 15 matters based upon information received other than by formal complaint. Of these inquiries, 13 were closed as not legally sufficient and 2 became the basis for a self-initiated complaint.

Legally Sufficient Complaints 2010-2012



LEGISLATIVE ACTIVITIES AND INITIATIVES

The Commission on Ethics is charged with reviewing statutes and ordinances relating to ethics in government and making policy recommendations to the Board of County Commissioners. Prior to the 2010 ballot referendum extending the jurisdiction of the Commission on Ethics to the municipalities the COE was active in recommending appropriate changes to the codes. Pre-referendum revisions adopted by the Board of County Commissioners include: self-initiated complaints by the Inspector General, State Attorney or Executive Director of the COE; creation of waiver conditions for employee outside employment; and increasing the criminal penalty for willful violations of the code to first degree misdemeanors, punishable by up to one year in jail, one thousand (\$1,000) dollar fine, or both.

After the 2010 referendum, drafting committees were set up to review and revise the Inspector General, Commission on Ethics and Code of Ethics Ordinances. The Commission, through the Executive Director, was actively involved in developing and revising the code of ethics to include municipal governments. The work of the Ethics and Inspector General Drafting Committees is now complete. Final drafts of the county-wide Commission on Ethics, Code of Ethics and Inspector General Ordinances are currently in the approval process. Once adopted into the county charter, all 38 municipalities will be under the jurisdiction of the Ethics Commission and Inspector General.²

The revised code of ethics contains a number of substantive changes to the gift law, the most notable of which is the inclusion of vendors in those sections dealing with prohibited gifts. Employees and officials may not accept a gift over one hundred (\$100) dollars annually in the aggregate from a vendor, lobbyist, principal or employer of a lobbyist. In addition, 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 if they transact business with their government, or in the case of volunteer board members, their board or a department within the board's authority. 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 equally actionable under the law. Other gift law revisions include charitable solicitation which is permitted so long as a detailed log is maintained and submitted to the Commission on Ethics. The code likewise expands exemptions for charitable public events and expenditures made in connection with non-profit organizations, funded by tax dollars, whose primary function is to attract business and tourism to Palm Beach County.

Additional code revisions include: streamlining the process for volunteer advisory board members to obtain waivers through transparent disclosure of potential conflicts; expanding misuse of office prohibitions to include non-financial corrupt acts; expanding anti-nepotism laws, and; creating a transparent and less bureaucratic process whereby public employees can obtain permission for outside employment so long as it does not conflict with their public duties.

The drafting committee took a common sense approach to correcting unintended flaws in the original code while strengthening the core requirements necessary for compliance, transparency and accountability of those who work for and transact business with government.

² At the time of this printing, the Board of County Commissioners has approved the ordinances and has set an effective date of June 1, 2011.

A LOOK FORWARD

In the coming year, Commission on Ethics staff will continue to meet with and train local leaders, employees, volunteers, civic and business groups. In accordance with our training mission, we intend to make our website more interactive, accessible and to integrate social media into our online presence. To assist us in this task we will build on our existing internship program. Moreover, this November staff intends to establish and host the first ever *Palm Beach County Ethics Awareness Day*. In conjunction with this event, over the next several months we will give students and citizens the opportunity to participate in raising ethics awareness through writing and art programs for our local high school students.

Internships

This year the Commission on Ethics has been delighted to partner with Palm Beach Atlantic University and the University Of Miami School Of Law. PBAU interns worked closely with commission staff to research and develop our upcoming interactive ethics quizzes and events for a *Palm Beach County Ethics Awareness Day* (November 2011). They researched such diverse topics as; how federal agencies have integrated twitter into their outreach efforts and, evaluation methods for an ethics writing competition. In collaborating with the University of Miami Legal Corps program, commission staff will work with recent law graduates. Legal Corps fellows assist staff in researching legal issues and prepare memorandum of law for commission meetings.

In the coming year, we look forward to having interns from PBAU and University of Miami as well as new graphic design students from Palm Beach State College. As part of the college's rigorous two-year graphic design curriculum students have the opportunity to intern for credit with local government agencies and businesses. Students are required to complete over 200 hours of internship time over the course of the semester. We look forward to working with our interns to develop and improve our website.

All interns and supervising staff sign our service learning agreement. In it, commission staff pledges to provide interns with real world on the job training. Interns at the Commission on Ethics will not find themselves in the copy room or on coffee runs, but heavily engaged in developing outreach, training, and creating new interactive web elements.

Ethics Day

As part of our community outreach and training mission, this year the Commission on Ethics intends to host the first annual *Palm Beach County Ethics Awareness Day* in November. Here, the public will have the opportunity to hear speakers on local ethics issues, meet the commissioners and attend live trainings by commission staff. Staff will be available to answer questions and tell you more about the work that they do.

FREQUENTLY ASKED QUESTIONS

These questions pertain only to the new ethics rules for Palm Beach County and the municipalities therein.

What is the Palm Beach County Commission on Ethics?

The Ethics Commission reviews, interprets, renders advisory opinions and enforces the Palm Beach County Code of Ethics, Lobbyist Registration and Post Employment Ordinances. The Code of Ethics is more restrictive than the State ethics laws and is designed to foster renewed public trust in local government. The Palm Beach Commission on Ethics only enforces local governmental ethics laws. It does not enforce any other laws, *even those that may involve ethical issues*. For example, the commission does not enforce state law. For violations of the state Code of Ethics, please contact the Florida Commission on Ethics <http://www.ethics.state.fl.us/>.

Who does the Code of Ethics apply to?

The Code of Ethics applies to all elected and appointed county and municipal employees and officials, including advisory board members within Palm Beach County. In some cases it also applies to vendors and lobbyists doing business with local government. It does not apply to constitutional offices such as the Sheriff, Property Appraiser, Tax Collector, State Attorney, Public Defender or Clerk and Comptroller.

What laws do the Commission on Ethics enforce?

The Ethics Commission has jurisdiction throughout Palm Beach County, including the 38 municipalities within its borders, provided the subject matter falls within one of the following ordinances under its authority:

Code of Ethics Ordinance (county and municipalities)

Lobbyist Registration Ordinance (county only)

Post-Employment Ordinance (county only)

Our specific statutory authority is derived from Article V, Division 8, §2-254 of the Palm Beach County Commission on Ethics ordinance. This ordinance gives the Ethics Commission the power to review, interpret, enforce and render opinions regarding the County ethics ordinances.

How do I file a complaint?

Any person may file a complaint with the Commission on Ethics. The Commission has an on-line complaint form that you may fill out and print for mailing or delivery to the commission. Instructions on how to complete the form are also on-line. Additionally, you can pick up a blank complaint form with instructions at our office, located at 2633 Vista Parkway, West Palm Beach, FL 33411. Complaints must be in writing, allege a violation of one of the ordinances mentioned above, be based substantially on personal knowledge and be signed under oath or affirmation by the complaining person. If you have any questions about the complaint process or would like to speak with a member of our staff please call the Palm Beach County Ethics Hotline at 877.766.5920.

Must I identify myself when I make an ethics allegation?

In order to file a complaint you must identify yourself on the complaint form. However, the commission does have a hot-line 877.766.5920 and staff will take anonymous information over the phone or by mail. There must be sufficient, reliable information given by the anonymous complainant indicating a violation of the county ethics ordinances before the ethics commission staff will start any inquiry into the alleged conduct.

I've gone before my local commission or advisory board on a matter of importance to me and they did nothing. I think that their decision is unethical and I'm ready to file a complaint. What do I need to have when I talk to you?

For the Commission on Ethics to be able to process your complaint, you must have evidence based on your own personal knowledge that the action or inaction by the government official, employee or advisory board member resulted in a financial benefit to a defined person or business (e.g., the official, the official's relative, customer, client or outside employer or business) when the benefit is not shared by similarly situated members of the general public. It is not an ethics code violation for an official to be merely "wrong" in their decision making. Nor is it necessarily a code of ethics violation when an official violates a county or municipal policy. Policy violations should be referred to the appropriate county or municipal officials.

What is a financial benefit?

Anything of value that can be obtained through the exercise of an official or employee's authority that is not shared with similarly situated members of the public.

I am a volunteer and was appointed to sit on a board. Am I subject to the ethics ordinance?

All county and municipal advisory board members are subject to the ethics ordinances if they are selected by the Board of County Commissioners, municipal governing body, mayor or other chief executive officer of a municipality.

What is a gift statement? Who has to file it?

Under the new ordinance, all county and municipal employees, officials, or advisory board members who are not currently required to submit quarterly gift reports under state law are required to complete an annual gift disclosure form if they receive something worth more than one hundred (\$100) dollars that is not otherwise exempt from gift reporting requirements. Certain "reporting individuals" already have a quarterly requirement under state law and are required to send a copy of these reports to the Palm Beach County Commission on Ethics. For more specific questions, please view the gift disclosure instruction form available at www.palmbeachcountyethics.com/pdf/Forms/Gift_Form.pdf or call our office at 561.233.0724.

When do I file my gift statement?

Under the county ethics code, for non-state reporting individuals, the gift reporting calendar year is October 1st -September 30th. Gift reports are due no later than November 1st for the previous reporting year.

What is the purpose of gift reporting?

Through transparency and access to information, including non-exempt gifts received by public officials and employees, public trust and confidence in government will be improved.

What is a gift?

A gift is essentially anything of value. Political contributions, gifts from relatives or members of your household, and awards for professional or civic achievement are exempted from the gift law. Gifts from long-time personal friends or colleagues need not be reported provided they are not vendors or lobbyists doing business with your government. For a more complete list of exemptions and related information, please see our gift disclosure instruction form at www.palmbeachcountyethics.com/pdf/Forms/Gift_Form.pdf.

Is there any limitation placed on the acceptance and solicitations of gifts, gratuities, or other things of value?

Yes. County and municipal officials, employees and advisory board members may not solicit or accept gifts valued at more than one hundred (\$100) dollars from vendors, lobbyists, principals or employers of lobbyists. Public officials and employees may not solicit anything of value from vendors, lobbyists, principals or employers of lobbyists for their personal benefit. Under no circumstances may a county or municipal official, employee or advisory board member accept a gratuity or tip for the performance of their official duties.

Why are there gift limits?

Restrictions on accepting gifts prevent outside interests from giving things of value to county and city employees and officials. The limits are designed to avoid the appearance that these gifts are made to influence a decision or otherwise obtain the good will of the public employee or official.

Are invitations to events considered gifts?

An invitation or a ticket to an event is generally considered a gift unless there is an exception that applies. For example, if the attendance at an event is for the benefit of the government you serve and you are attending in your official capacity on official business, the admission cost is not considered a gift.

Are meals considered gifts?

Yes. A meal is a gift, unless one of the exceptions to the gift law applies.

I'm a county employee who deals with residents every day. One of my regular customers brings me a Publix gift card for excellent service. Can I accept the Publix gift card? How about a bottle of wine?

No. You cannot accept a gift of any value given to you because of the way you perform your duties as a public employee. This includes thank you gifts.

An organization wants to give me a plaque to honor me for work I did as a city official, can I accept it?

Yes. Awards for professional and civic achievement are exempt from the gift law.

What are travel expenses and why are they subject to regulation?

As a public employee or official, you cannot accept payment or reimbursement of any travel expenses from a contractor, vendor, service provider, bidder or proposer doing business with your public employer. Travel expenses include, but are not limited to, transportation, lodging, meals, registration fees and incidentals. This prohibition can be waived by the county commission or applicable municipal governing body. This prohibition does not apply to reimbursements paid by other governments or organizations to which your public employer is a member when the travel is related to that membership. Travel expenses are subject to regulation in order to promote transparency.

What is the general rule regarding financial misuse of a city or county official's position?

A county or municipal official or employee *cannot use their position in any way*, if they know or should know with the exercise of reasonable care that it would result in special financial benefit to themselves, their spouse or household members, or any of the employers of these persons, certain relatives and their employers, their own outside employer, business or fellow employees, a customer or client of their outside employer or business, someone to whom they owe a debt greater than ten thousand (\$10,000) dollars (other than a bank) or a non-profit organization where they serve as an officer or director.

May a public official (advisory board member) have an outside business or employment?

Yes, provided that their outside employer or business does not have contracts with the government they serve. For advisory board members, if their outside employer or business does transact business or contract with their local government, the official will generally need to obtain a waiver from the local governing body. If the official serves on a decision-making advisory board and contracts with the department under the board's authority, no waiver is permitted.

May a public employee have an outside business or employment?

An employee may have outside employment provided that the employee or employee's spouse has no authority over the procurement, enforcement or administration of the subject contract, the outside work does not impair or interfere with the employee's faithful public job performance, the contract is not within the employee's department and the employee obtains approval from both a supervisor and chief administrator.

May an official or employee contract with their own county or municipal agency?

No. Public employees and officials may not enter into a contract or transaction to provide goods or services with the public entity he or she serves (county or municipality), unless an exception or waiver provision applies. For more information, please contact us at 877.766.5920. For advisory board members, this prohibition applies only to contracts or transactions with his or her board or department subject to the board's authority.

Is the prohibition on contracts with a county or municipal agency absolute?

No. For advisory board members, there are exceptions to the contractual relations section of the code, including sole source or emergency contracts, minor transactions under five hundred (\$500) dollars annually, or sealed bid contracts under certain circumstances and with full disclosure. Moreover, unless the official serves on a decision making board and the contract involves matters under the board's authority, officials may apply for a waiver of this prohibition by a supermajority of the governing body after full public disclosure. For more information, please call us at 877.766.5920 or send an email to ethics@palmbeachcountyethics.com.

What is lobbying?

Lobbying is seeking to influence a decision, through oral or written communication, or attempt to obtain the good will, of any county commissioner, advisory board member or public employee with respect to the passage, defeat or modification of anything which may foreseeably be presented for consideration to the advisory board, county or municipal governing body.

How do I know if someone is a lobbyist or employs lobbyists?

A searchable database for all lobbyists in Palm Beach County is available online at http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView_New.aspx. Vendor databases, when available, will be linked through our website as well.

Do ethics laws impose any restrictions on county employees after they leave county service?

Yes. The commission on ethics is charged with enforcing the post-employment ordinance. (Presently, this ordinance applies only to Palm Beach County government and not municipalities). Depending on the public position, former employees must refrain from representing anyone, other than the governing body he or she served, in any matter before that government for a certain period of time. The length of time varies from six (6) months to two (2) years depending on the public position they previously held. A full text of the post-employment ordinance is available at our website at www.palmbeachcountyethics.com.

What penalties can the Palm Beach County Commission on Ethics impose?

The Commission can impose civil penalties only, including fines up to five hundred (\$500) dollars and a public reprimand. In addition, the ethics commission may issue a letter of instruction in minor cases, and has the power to impose restitution where the violator or a third party receives a money benefit as a result of the violation. The county or local governing body may rescind or void contracts, licenses, permits and other transactions upon a finding of violation.

Are violations of the code of ethics a crime?

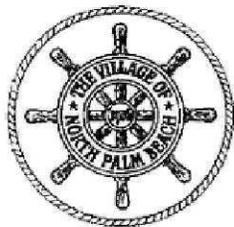
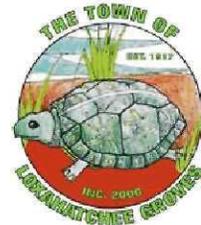
Most sections of the code of ethics can be prosecuted by the state attorney if the violation is willful. The maximum penalty for a willful violation is a year in the county jail, one thousand (\$1,000) dollar fine, or both.

Can I attend meetings of the Ethics Commission?

Yes. The Palm Beach County Commission on Ethics meets on the first Thursday of every month at 3 o'clock in the County Commission Chambers. You are welcome and encouraged to attend our meetings. If you cannot attend, the meeting is broadcast on access cable channel 20. Video of all meetings can be found on the ethics commission website under the media tab. www.palmbeachcountyethics.com.

I still have questions. How do I get help?

Please feel free to contact us via email at ethics@palmbeachcountyethics.com or call 877.766.5920.





PALM BEACH COUNTY COMMISSION ON ETHICS

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