

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
FALL TERM 2012**

# **PRESENTMENT**

## **ETHICS REFORM IN COUNTY GOVERNMENT AN UPDATE**



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**November 29, 2012**

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**AN UPDATE**

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## **ETHICS REFORM IN COUNTY GOVERNMENT AN UPDATE**

### **IN THE NAME AND BY THE AUTHORITY BY THE STATE OF FLORIDA**

#### **SUMMARY**

In a third review of Ethics in Palm Beach County Government, the 2011 Spring Term Palm Beach County Grand Jury issued a presentment on September 26, 2011. As part of the presentment, the Grand Jury discussed a proposed Palm Beach County Government Policy and Practice Memorandum (PPM). (See Exhibit 1). Such memoranda are typically used to convey management policy to county employees. At the time, Inspector General Sheryl Steckler asserted that the PPM as proposed by County Administrator Robert Weisman interfered with the lawful operation of her office. The Grand Jury criticized the proposed PPM on several grounds, and urged the two parties to work cooperatively to establish protocols that acknowledge the legitimate interests of the employer/employee government and the voter approved watchdog, the Inspector General. (See Exhibit 2). Accordingly, the proposed PPM was not promulgated at that time.

In August of 2012, however, virtually the same PPM that had been criticized by the 2011 Grand Jury was adopted by the County Administrator. (See Exhibit 3). The Inspector General strongly objected to the PPM, stating her reasons, and asked this Grand Jury consider the issue for potential review and comment. (See Exhibit 4). Shortly thereafter, the County Administrator submitted a written response to the Inspector General's request for Grand Jury review. (See Exhibit 5). The Inspector General responded to the County's response on October 30, 2012. (See Exhibit 6). Accordingly, on October 31, 2012, the Palm Beach County Grand Jury directed the State Attorney to invite Inspector General Steckler and County Administrator Weisman to appear before the Grand Jury to give testimony concerning this matter. On Thursday, November 15, 2012, Ms. Steckler and Mr. Weisman appeared before the Grand Jury to state their positions.

Ms. Steckler testified that, following enactment of the PPM dated August 15, 2012, she received complaints from several county employees that they were being pressured by their supervisors to not report incidents to the Inspector General's Office, and to only report them to

their department head, acknowledging the newly enacted PPM. In fact, Ms. Steckler indicated that one department had a sign posted stating:

“There has been a revision in the PPM on I.G. reporting procedures. You **MUST** report any I.G. related item directly to your supervisor, **NOT TO THE I.G.** Your supervisor will then kick it up their chain of command”.

Inspector General Steckler is thus understandably concerned that, as the PPM is being interpreted by some county staff, there is a significant “chilling effect” on county employees reporting to her office any issues of fraud, waste, or mismanagement, and further that county employees are expressing fear of reprisal if they do. She indicates that “fox guarding the hen house” scenario undermines the fundamental purposes of the Inspector General. She also indicated that previous attempts to work with the County on mutually agreeable language for the proposed PPM were unsuccessful, and that the enactment of the offending PPM in August of this year came as a complete surprise to her office.

Mr. Weisman indicated that, following the 2011 Grand Jury’s report on the proposed PPM, he had decided to just revert back to a prior PPM that was not objectionable. However, he indicated that the County Attorney’s Office later urged him to sign the present PPM, which he did on their advice. Like Ms. Steckler, he acknowledged that communication between the County and the Inspector General’s Office is difficult and strained. When presented with the evidence of employee complaints and the aforementioned sign posted in one of the county departments, Mr. Weisman indicated that he was unaware of these incidents and was concerned, as it was obvious that the PPM was being misconstrued. He indicated that it was never his intent to curtail reporting to the Inspector General’s Office by county employees, and indicated that he would immediately begin working on a corrective PPM, regardless of what this Grand Jury or the County Attorney recommended.

In fact, on November 16, 2012, County Administrator Weisman forwarded the proposed PPM attachments clarifying and revising the prior PPM. (See Exhibit 7). On Tuesday, November 20, 2012, Inspector General Steckler responded to Mr. Weisman’s proposed revision of the PPM, indicating that while it was “encouraging” that Mr. Weisman was offering a revision, some concerns with the newest PPM remain. (See Exhibit 8).

### **FINDINGS**

With regard to the PPM issue generally, as well as the relationship between the County and the Inspector General’s Office, the Grand Jury finds there is a significant, detrimental disconnect between the two entities that offends the public interest. The Grand Jury believes that drafting acceptable PPM language should have been accomplished, with appropriate compromises and goodwill by both parties, without resorting to the Grand Jury for corrective intervention. In order to effectuate the overwhelming voter endorsement of ethics reform in Palm Beach County creating the Office of the Inspector General, it is imperative that all government officials work cooperatively to ensure the viability and long term success of this critical watchdog function. Thus, any remaining issues identified by Inspector General Steckler should be addressed cooperatively with County officials. But, if that cannot be accomplished to the

satisfaction of all parties, the County Commission should become directly involved because it is the responsible elected entity. The issues raised, and the consequences for inattention to them, are too serious to ignore, and if the governmental agencies and officials cannot cooperatively address them, some outside agency will necessarily be forced to intervene.

### **RECOMMENDATIONS**

1. With regard to Mr. Weisman's proposed PPM (Composite Exhibit 7), the Grand Jury recommends that section 2, entitled "Reporting Procedures" be amended to read as follows emphasizing that employee reporting to the Inspector General should be option one and removing any references to "Reportable Incidents":

In the event an employee learns of a possible occurrence of a Reportable Incident, such incident shall promptly be reported in any of the following ways: 1) directly to the Office of Inspector General, or 2) to the employee's department head, or 3) to a supervisor in the department's chain of command, which supervisor shall then be responsible for further informing department management, or 4) by any combination of the preceding. The preceding choice is at the discretion of the employee, based on their perception of the possible incident and the process they think most appropriate and/or comfortable in following. Any incident that is reported to departmental management shall be referred to the OIG promptly.

The Grand Jury believes these amendments add clarity to the procedures.

2. The Grand Jury recommends that viewing the Inspector General's training video for employees be made mandatory for all county employees and further that there be a yearly refresher course for County employees on the Inspector General's office.
3. The Grand Jury recommends that the "Whistle Blower" section contained in the November 1, 2011 proposed PPM (in Composite Exhibit 5, C) be reincorporated into the PPM to enable employees to familiarize themselves with these protections without having to refer to other policies or PPM's where they are described.

Thus, it is urged that Ms. Steckler and Mr. Weisman implement these recommendations as soon as possible. While the Grand Jury is pleased to be of service on this issue, a more permanent mechanism for deciding disputes of this nature must be identified and put to good use.

**CERTIFICATION OF PRESENTMENT**

The Grand Jury respectfully submits this Presentment this 29 day of November, 2012.

  
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**FOREPERSON OF THE GRAND JURY**

As authorized and required by law, we have advised the Grand Jury returning this Presentment.

  
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**PETER ANTONACCI**  
**STATE ATTORNEY**

  
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**PAUL ZACKS**  
**CHIEF ASSISTANT STATE ATTORNEY**