

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS
PALM BEACH COUNTY, FLORIDA**

JANUARY 11, 2018

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Michael S. Kridel, Chair – Absent
Clevis Headley, Vice Chair
Bryan Kummerlen
Judy M. Pierman
Sarah L. Shullman

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Anthony Bennett, COE Chief Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Victoria Torres, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM DECEMBER 14, 2017

MOTION to approve the December 14, 2017 minutes. Motion by Bryan Kummerlen, seconded by Sarah L. Shullman, and carried 4-0.

RECESS

At 1:32 p.m., the chair declared the meeting recessed for an executive session.

V. EXECUTIVE SESSION

RECONVENE

At 3:00 p.m., the meeting reconvened, and at Vice Chair Headley's request for a roll call, Commissioners Kummerlen and Sarah Shullman were present.

V. EXECUTIVE SESSION - CONTINUED

(CLERK'S NOTE: Items were addressed out of order.)

V.d. C17-002

Commissioner Shullman read the following Public Report Finding Probable Cause:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on February 23, 2017, alleging that Respondent, Ronald Jones, a Palm Beach County employee and former Director of PalmTran Connection (PTC), violated §2-443(b) of the Palm Beach County Code of Ethics by manipulating PTC data to artificially inflate the on-time performance rates.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On January 11, 2018, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Investigative Report, and the Probable Cause Recommendation submitted by the COE Advocate. After oral statements by the Advocate and Respondent's attorney, the Commission determined that probable cause exists to believe that the Respondent may have violated §2-443(b) of the Palm Beach County Code of Ethics.

V. EXECUTIVE SESSION - CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that probable cause exists and the complaint against Respondent Ronald Jones will be set for a final hearing within 120 days to be coordinated between the parties.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on January 11, 2018.

By: Clevis Headley, Vice Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report Finding Probable Cause.)

V.c. C17-027

Commissioner Shullman read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on July 24, 2017, alleging that Respondent, Glenn Jergensen, a Palm Beach County employee, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by knowingly accepting a gift from a person that he knew, or should have known, was a principal of a lobbyist who lobbied Palm Beach County.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On January 11, 2018, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After oral statements by the Advocate and Respondent, the Commission determined that the violation was unintentional, inadvertent, or insubstantial and issued a Letter of Instruction pursuant to §2-260.3 of the Commission of Ethics Ordinance.

V. EXECUTIVE SESSION - CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent Glenn Jergensen is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on January 11, 2018.

By: Clevis Headley, Vice Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

V.a. C17-030

Commissioner Shullman read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on July 25, 2017, alleging that Respondent, Glenn Jergensen, a Palm Beach County employee, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by knowingly accepting a gift from a person that he knew, or should have known, was a principal of a lobbyist who lobbied Palm Beach County.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On January 11, 2018, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After oral statements by the Advocate and Respondent, the Commission concluded that no probable cause exists to believe a violation occurred.

V. EXECUTIVE SESSION - CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent Glenn Jergensen is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on January 11, 2018.

By: Clevis Headley, Vice Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

V.b. C17-031

Commissioner Shullman read the following Public Report and Final Order of Dismissal:

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics (COE), filed the above referenced complaint on July 25, 2017, alleging that Respondent, Michael Stone, a principal of lobbyists who lobbied Palm Beach County, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving, directly or indirectly, a gift with a value greater than \$100 in the aggregate for the calendar year to a person he knew, or should have known, was an employee of the County.

Pursuant to §2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On January 11, 2018, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After oral statements by the Advocate and Respondent, the Commission concluded that no probable cause exists to believe a violation occurred.

V. EXECUTIVE SESSION - CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent Michael Stone is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on January 11, 2018.

By: Clevis Headley, Vice Chair.

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VI.a. RQO 17-024

VI.b. RQO 17-026

MOTION to approve the consent agenda. Motion by Bryan Kummerlen, seconded by Sarah L. Shullman, and carried 3-0.

VII. ITEMS PULLED FROM CONSENT AGENDA – None

VIII. EXECUTIVE DIRECTOR COMMENTS

DISCUSSED: Commissioner Terms, Next Meeting

Mark Bannon, COE Executive Director, said that:

- Commissioner terms would expire for Chair Michael S. Kridel, Vice Chair Clevis Headley, and Judy M. Pierman on February 28, 2018. New commissioners may be recommended or the commissioners may be reappointed to the positions.
- The next meeting of the Commission on Ethics would be on February 1, 2018 and the annual report will be presented.

IX. COMMISSION COMMENTS – None

X. PUBLIC COMMENTS – None

XI. ADJOURNMENT

At 3:09 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair