

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

APRIL 5, 2018

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

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Michael S. Kridel, Chair
Peter L. Cruise
Bryan Kummerlen
Rodney G. Romano
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

IV. NOMINATION AND ELECTION OF CHAIR

Christie Kelley, COE General Counsel, said that the nomination process was subject to Robert's Rules of Order, which stated that recognition by the Chair and a seconder were not required to make a nomination but it was not out of order for members to second a nomination to signal their endorsement.

MOTION to nominate Sarah Shullman as Chair. Motion by Bryan Kummerlen, seconded by Peter Cruise, and carried 5-0.

V. NOMINATION AND ELECTION OF VICE CHAIR

Chair Shullman requested nominations for the Vice Chair position.

MOTION to nominate Bryan Kummerlen as Vice Chair. Motion by Peter Cruise, seconded by Michael Kridel, and carried 5-0.

VI. APPROVAL OF MINUTES FROM MARCH 1, 2018

MOTION to approve the March 1, 2018 minutes. Motion by Michael Kridel, seconded by Rodney Romano, and carried 5-0.

VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

VII.a. RQO 18-004

VII.b. RQO 18-005

VII.c. RQO 18-007

MOTION to approve advisory opinion letters RQO 18-004, RQO 18-005, and RQO 18-007. Motion by Peter Cruise, seconded by Michael Kridel, and carried 5-0.

VIII. ITEMS PULLED FROM CONSENT AGENDA – None

IX. DISCUSSION OF ADVISORY OPINION RQO 17-021

Ms. Kelly stated that since the previous meeting, she had been in contact with the owners of First Response Medical Consultants, LLC (FRMC) and would like its representatives to speak on the matter presented.

IX. – CONTINUED

Kenneth Schepcke, Palm Beach County Fire Rescue (Fire Rescue) Medical Director and FRMC owner, stated that:

- Mobile-Integrated Health (MIH) or Community Paramedicine (CP) services would bring in a new avenue of healthcare and provide new services to the county.
- FRMC would be considered a sole source provider because it was a complex field of medicine.
- MIH and CP were strictly funded through physicians who had Medicare patients.
- Patients enrolled in the MIH and CP services who dialed 9-1-1 would receive the exact same care as any other person.

Commissioner Cruise inquired as to how FRMC would avoid the appearance of impropriety.

Mr. Schepcke said that several exceptions were available for being a sole source provider. He added that there were no other similar services in the county.

Ms. Kelly stated that in order for the program to meet the sole source exception, it had to be the only option available in the county, the COE had to be in agreement, and the FRMC had to fully disclose its interest to outside businesses.

Commissioner Romano expressed concern over unsubscribed patients being treated differently by first responders.

Mr. Schepcke clarified that as the program matured, the primary goal was to allow more funding to Fire Rescue and supply enough full time services to all patients. He reiterated that FRMC subscribers would not get preferential treatment over other patients.

Commissioner Romano said that he was satisfied with the analysis presented and believed the sole source exception did not represent a conflict of interest.

Mr. Bannon clarified that the COE agreed that the FRMC program met the sole source exception; however the discussion would be tabled until the next meeting.

RECESS

At 2:03 p.m., the chair declared the meeting recessed for an executive session.

X. EXECUTIVE SESSIONS

RECONVENE

At 5:40 p.m., the meeting reconvened with Chair Shullman, Vice Chair Kummerlen, and Commissioners Peter Cruise and Rodney Romano present. Michael Kridel absent.

X.a. C17-012

Vice Chair Kummerlen 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 May 16 2017, alleging that Respondent, Robert Weinroth, a City of Boca Raton elected official, violated §2-444(a)(l) of the Palm Beach County Code of Ethics by accepting a gift with a value over \$100 in the aggregate from Peter Sachs, a person that he knew, or should have known with the exercise of reasonable care, was a lobbyist who lobbied the City of Boca Raton.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission determined that the violations were unintentional, inadvertent or insubstantial. The Commission then issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance finding that the public interest would not be served by proceeding further.

X.a. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Robert Weinroth, 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 April 5, 2018.

By: Sarah L. Shullman, Chair

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

X.b. C17-013

Vice Chair Kummerlen 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 complaints on May 16, 2017, alleging that Respondent, Peter Sachs, a lobbyist who lobbies the City of Boca Raton, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift with a value over \$100 in the aggregate to Robert Weinroth, a City of Boca Raton elected official.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission determined that the violations were unintentional, inadvertent or insubstantial. The Commission then issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance finding that the public interest would not be served by proceeding further.

X.b. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Peter Sachs, 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 April 5, 2018.

By: Sarah Shullman, Chair

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

X.c. C17-014

Vice Chair Kummerlen 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 complaints on May 25, 2017, alleging that Respondent, Robert Weinroth, a City of Boca Raton elected official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by accepting a gift valued at over \$100 in aggregate from Frank Barbieri, a person that he knew, or should have known with the exercise of reasonable care, was a principal or employer of a lobbyist who lobbied the City of Boca Raton.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Respondent incorrectly listed Mr. Barbieri as the gift giver on one of the listed gifts and incorrectly listed two tickets to another event as a gift when Respondent had provided items for the event's auction in exchange for tickets.

X.c. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Robert Weinroth, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.d. C17-015

Vice Chair Kummerlen 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 complaints on May 25, 2017, alleging that Respondent, Frank Barbieri, who serves as "of counsel" for a principal or employer of a lobbyist who lobbies the City of Boca Raton, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift with a value over \$100 in the aggregate to Robert Weinroth, a City of Boca Raton elected official.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Respondent was incorrectly listed as the gift giver on one entry and was incorrectly listed as gifting tickets to Mr. Weinroth for another event when the tickets were given to Mr. Weinroth in exchange for providing items for the event's auction and, therefore, were not a gift.

X.d. – CONTINUED

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Frank Barbieri, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.e. C17-021

Vice Chair Kummerlen 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 complaints on June 5, 2017, alleging that Respondent, Susan Haynie, a City of Boca Raton elected official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by accepting a gift valued at over \$100 in aggregate from Frank Barbieri, a person that she knew, or should have known with the exercise of reasonable care, was a principal or employer of a lobbyist who lobbied the City of Boca Raton.

(This space intentionally left blank.)

X.e. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Respondent did not know that Mr. Barbieri was employed by a principal or employer of a lobbyist as she only knew him to be a member of the Palm Beach County School Board and a reasonable search of the Palm Beach County Lobbyist Registry would not have revealed his relationship with the principal or employer of the lobbyist.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Susan Haynie, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.f. C17-022

Vice Chair Kummerlen 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 complaints on June 5, 2017, alleging that Respondent, Frank Barbieri, who serves as "of counsel" for a principal or employer of a lobbyist who lobbies the City of Boca Raton, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift valued at over \$100 in the aggregate to Susan Haynie, a City of Boca Raton elected official.

X.f. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because the evidence could not establish that Respondent as “of counsel” was an employee of the principal or employer who employed a lobbyist to lobby the City of Boca Raton.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Frank Barbieri, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.g. C17-025

Vice Chair Kummerlen 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 complaints on July 25, 2017, alleging that Respondent, Robert Weinroth, a City of Boca Raton elected official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by accepting a gift valued at over \$100 in aggregate from a person that he knew, or should have known with the exercise of reasonable care, was a principal or employer of a lobbyist who lobbied the City of Boca Raton.

X.g. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Respondent incorrectly listed on his gift form that he received gifts that exceeded \$100 in the aggregate when he did not. Further, the person giving the gift is not a principal of a lobbyist who lobbies the City of Boca Raton.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Robert Weinroth, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.h. C17-026

Vice Chair Kummerlen 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 complaints on July 25, 2017, alleging that Respondent, Mark Larkin, who was thought to be a principal of a lobbyist who lobbies the City of Boca Raton, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift valued at over \$100 in the aggregate to Robert Weinroth, a City of Boca Raton elected official.

X.h. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and the Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Mr. Weinroth incorrectly listed on his gift form that he received gifts that exceeded \$100 in the aggregate when he did not. Further, Mr. Larkin is not a principal of a lobbyist who lobbies the City of Boca Raton.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Mark Larkin, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.i. C17-035

Vice Chair Kummerlen 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 complaints on August 15, 2017, alleging that Respondent, Robert Weinroth, a City of Boca Raton elected official, violated §2-444(a)(1) of the Palm Beach County Code of Ethics by accepting a gift valued at over \$100 in aggregate from Charles Bender, a person that he knew, or should have known with the exercise of reasonable care, was a principal or employer of a lobbyist who lobbied the City of Boca Raton.

X.i. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate and Respondent, the Commission concluded no probable cause exists to believe a violation occurred because Respondent incorrectly reported the tickets as “gifts” when he, in fact, provided items for the event’s auction in exchange for the tickets.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Robert Weinroth, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.j. C17-036

Vice Chair Kummerlen 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 complaints on August 15, 2017, alleging that Respondent, Charles Bender, a principal or employer of a lobbyist who lobbied the City of Boca Raton, violated §2-444(a)(2) of the Palm Beach County Code of Ethics by giving a gift valued at over \$100 in the aggregate to Robert Weinroth, a City of Boca Raton elected official.

X.j. – CONTINUED

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 5, 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 an oral statement by the Advocate, the Commission concluded no probable cause exists to believe a violation occurred because Mr. Weinroth incorrectly reported the tickets as gifts when he had in fact provided items for the event's auction in exchange for the tickets.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Charles Bender, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 5, 2018.

By: Sarah Shullman, Chair

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

X.k. C17-038 – CONTINUED TO April 16, 2018

X.l. C17-039 – CONTINUED TO April 16, 2018

XI. EXECUTIVE DIRECTOR COMMENTS

XI.a.

DISCUSSED: Congratulations.

Mr. Bannon congratulated Commissioner Shullman and Commissioner Kummerlen on their new roles.

XI. – CONTINUED

XI.b.

DISCUSSED: Hearing Officers.

Mr. Bannon said that 3 people were selected and approved by the Board of County Commissioners to serve as COE hearing officers

XII. COMMISSION COMMENTS

XII.a.

DISCUSSED: Commendation.

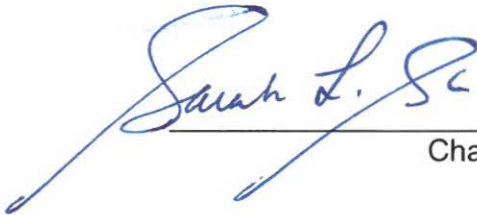
Commissioner Romano commended COE staff for organizing today's meeting efficiently.

XIII. PUBLIC COMMENTS – None

XIV. ADJOURNMENT

At 6:01 p.m., the chair declared the meeting adjourned.

APPROVED:

A handwritten signature in blue ink, appearing to read "Sarah L. Se", is written over a horizontal line.

Chair/Vice Chair