

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

NOVEMBER 1, 2018

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

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Sarah L. Shullman, Chair
Bryan Kummerlen, Vice Chair - Absent
Peter L. Cruise
Michael S. Kridel
Rodney G. Romano

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:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM OCTOBER 4, 2018

MOTION to approve the October 4, 2018 minutes. Motion by Peter Cruise, seconded by Michael Kridel, and carried 4-0. Bryan Kummerlen absent.

V. SUNSHINE LAW PRESENTATION

Christie E. Kelley, COE General Counsel, said that:

- The Sunshine Law, found in Florida Statutes (F.S.), Chapter 8.286, protected the public from closed-door decision-making and provided access rights to all government-related meetings.
- The Sunshine Law contained 3 requirements:
 - All meetings must be opened to the public.
 - Reasonable meeting notices must be given.
 - Meeting minutes must be kept.
- A meeting was defined as a gathering of 2 or more board members where a matter was discussed, which would foreseeably come before the board for action.
 - The public had a right to attend and make comments at all open meetings, but reasonable time limits should be designated.
 - Board members could gather socially as long as they did not discuss a matter coming before the board.
 - Board members could speak to staff about matters coming before the board, but they could not ask them what other board members said or discussed or ask them to convey to other board members how they felt about a matter coming before the board.
 - Probable cause hearings did not need to be open to the public unless a respondent waived that right.
 - At the beginning of each year, all COE meeting dates and locations were published on the Web site, and on the Board of County Commissioners' (BCC) calendar. The agenda was generally posted 7 days before a scheduled meeting.

V. – CONTINUED

- Meeting minutes were transcribed by a minutes clerk and available for public inspection after board approval.
- Retained audio recordings also could be utilized.
- All votes should be taken publicly, all board members must vote unless they had a conflict of interest, and the minutes must reflect the votes.
- Any official who violated the Sunshine Law was guilty of a second-degree misdemeanor punishable by up to 60 days in jail and a \$500 fine, along with possible removal from the position.
- Any action taken at an illegal meeting would be invalid.
- F.S. Chapter 119 created a right of access to records made or received regarding the official business of a public body.
 - Public records were defined as all documents, papers, letters, tapes, photographs, films, sound recordings, or other materials, regardless of physical form or means of transmission, made or received in connection with the transaction of official business by the agency.

Commissioner Romano inquired whether the definition of a meeting was met if 2 city commissioners, who were running as opponents, attended a public debate that included issues that would later come before them for a vote.

Richard Radcliffe, Executive Director of the Palm Beach County League of Cities (League), responded that:

- The scenario described by Commissioner Romano was discussed during a training session.
- The attorney who taught the training session said that the Sunshine Law would be violated if candidates attended candidate forums and discussed matters that later would be determined by them at a council meeting.

V. – CONTINUED

- Another factor precluding a candidate forum or public debate from being considered a meeting was that minutes were not usually taken at those events.
- Similar scenarios had never been litigated, nor had advisory opinions been issued by the courts.

Commissioner Kridel requested that Ms. Kelley provide a copy of her PowerPoint presentation to the BCC.

VI. EXECUTIVE DIRECTOR COMMENTS

VI.A.

DISCUSSED: Excellence in Supervision, Region 7 All-Hazard Incident Management Team, Ethics Governance Day, and the Passing of Judge Edwards Rogers.

Mark E. Bannon, COE Executive Director, said that:

- Anthony Bennett, COE Chief Investigator, completed the Excellence in Supervision class.
- Gina Levesque, COE Intake and Compliance Manager, spent 11 days in the Florida Panhandle with the Region 7 All-Hazard Incident Management Team helping those affected by Hurricane Michael.
- Chair Shullman, Ms. Kelley, and others participated in last week's first Annual Ethics Governance Day at Forest Hill High School.
- Judge Rogers passed away last week.

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VII. COMMISSION COMMENTS

VII.A.

DISCUSSED: Bethesda-by-the-Sea Ethics Workshops.

Commissioner Cruise said that the Bethesda-by-the-Sea Church in the Town of Palm Beach would hold ethics workshops every Wednesday beginning in the fall.

VII.B.

DISCUSSED: Ethics Governance Day.

Chair Shullman said that:

- Government ethics was broadly discussed during the Ethics Governance Day.
- Panel members included a Palm Beach County School Board member, a public defender, a State prosecutor, a judge, County Mayor Melissa McKinlay, and the Criminal Justice Association president.

VII.C.

DISCUSSED: Judge Rogers and Ethics in the Legal Profession.

Commissioner Romano stated that he had practiced law before Judge Rogers, who was a leader in human and civil rights. He added that trial lawyers who professionally and ethically practiced law achieved better verdict results for their clients.

VIII. PUBLIC COMMENTS

VIII.A.

DISCUSSED: Judge Rogers and Commendation.

Mr. Radcliffe said that Judge Rogers, who was the first COE chair, would be missed. He added that Mr. Bannon received excellent reviews after conducting the League's ethics training sessions for municipal officials.

IX. ADJOURNMENT

At 1:57 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair