



*Honesty - Integrity - Character*

**Palm Beach County  
Commission on Ethics**

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# News Release

For Immediate Release

Contact:

November 4, 2016

Mark E. Bannon, Executive Director

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## Summary of Palm Beach County Commission on Ethics Meeting Held on November 3, 2016

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on November 3, 2016.

Three complaints were heard in executive session. The complete files are published on the COE website at: <http://www.palmbeachcountyethics.com/complaints.htm>.

**C15-027:** The COE reviewed and considered the memorandum of inquiry, the investigative report, probable cause recommendation, and the statements of the COE advocate and respondent. The COE found that the violation was inadvertent, unintentional, or unsubstantial and dismissed the case with a letter of instruction.

**C16-006:** The COE reviewed and considered the memorandum of inquiry, the investigative report, probable cause recommendation, and the statements of the COE advocate and respondent. The COE found probable cause existed to believe that respondent violated Sec. 2-443(a) and Sec. 2-443(b) of the Code of Ethics. A final hearing will be set within 120 days.

**C16-009:** The COE reviewed and considered the memorandum of inquiry, the investigative report, probable cause recommendation, and the statements of the COE advocate and respondent. The COE found that the violation was inadvertent, unintentional, or unsubstantial and dismissed the case with a letter of instruction.

Two advisory opinions were approved. The full opinions are published and available at: <http://www.palmbeachcountyethics.com/opinions.htm>

**RQO 16-022:** A Palm Beach County Fire Rescue (PBCFR) employee asked if a conflict of interest would arise for him if he works as an independent contractor for Stealth Air Corp (SAC), a drone manufacturer when he serves as a PBCFR Unmanned Aircraft Systems Committee member. He also asked if the Code of Ethics prohibits him from listing his PBCFR employment on his resume. **The COE opined as follows:** He may not use his official position as a PBCFR employee to sell any SAC products or services as this would give a special financial benefit to him. He is prohibited from selling any SAC products or services to the county in his personal capacity, unless an exception under Sec. 2-443(e) applies. However, he is not prohibited from contracting to sell SAC products or services to other municipalities, entities, and individuals in his personal capacity and on his own time. But, he must still refrain from using his official position as a county employee to provide these services to any of those customers. Best practices would include refraining from using his official position, title, county email, identifying himself as a PBCFR employee, or wearing his county uniform while promoting any Stealth Air Corp products. The COE noted that if SAC ever becomes a county vendor by entering into any contracts with the county, the Code of Ethics prohibits the employee from continuing to work as an independent contractor for SAC. The Code of Ethics does not prohibit him from outlining his professional experience by including his county employment and title on his resume.

**RQO 16-025:** The attorney for the village of Wellington asked if a councilmember has a voting conflict that would prohibit him from voting on and participating in a matter where Wantman Group, Inc., who is a client of his outside employer, is acting as an agent for Janus Real Estate, LLC (JRE) and will be presenting JRE's pending application for a conditional use permit for approval before the village council.

**The COE opined as follows:** The councilmember would have a voting conflict. Because the councilmember's vote on the conditional use permit application will directly impact whether JRE can

go forward on its proposed veterinary clinic project and thus whether Wantman Group will be employed by JRE to work on its project, the possibility of a financial benefit to Wantman Group is not remote or speculative. There is a direct nexus between the councilman's vote and Wantman Group receiving a special financial benefit. Therefore, the councilmember may neither participate in nor vote on this matter.

A detailed explanation of all agenda items is available at <http://www.palmbeachcountyethics.com/meetings.htm>.

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