



Honesty - Integrity - Character

**Palm Beach County
Commission on Ethics**

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News Release

For immediate release:
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July 13, 2018
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Summary of Palm Beach County Commission on Ethics Meeting Held on July 12, 2018

The Palm Beach County Commission on Ethics (COE) took the following actions at its monthly public meeting held on July 12, 2018.

Seven complaints were heard in executive session. The complete files for the following cases are published on the COE website at: <http://www.palmbeachcountylethics.com/complaints.htm>.

C17-010: After considering the investigative report, probable cause recommendation, and statement of the COE advocate and Respondent's counsel, the COE found probable cause existed and issued a letter of instruction because the violation was inadvertent, unintentional, or insubstantial.

C17-011: After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause existed and issued a letter of instruction because the violation was inadvertent, unintentional, or insubstantial.

C17-016: After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause existed and issued a letter of instruction because the violation was inadvertent, unintentional, or insubstantial.

C17-017: After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause existed and issued a letter of instruction because the violation was inadvertent, unintentional, or insubstantial.

C17-032: After considering the investigative report, probable cause recommendation, and statements of the COE advocate and Respondent's counsel, the COE found probable cause existed and issued a letter of instruction because the violation was inadvertent, unintentional, or insubstantial.

C17-033: After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint because the gift was not from a prohibited source.

C17-034: After considering the investigative report, probable cause recommendation, and statement of the COE advocate, the COE found probable cause did not exist and dismissed the complaint because the gift was not from a prohibited source.

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

RQO 18-009: A Palm Beach County employee asked if a conflict of interest would exist for him if he were to participate on a selection committee that would choose the provider of property and liability claims handling services for the county, where his son is working as a summer intern for a county vendor who will most likely bid for that contract.

The COE opined as follows: Because he had no involvement with the internship, his son's application, or how the internship recipients were selected, there is no prohibited conflict of interest per se under the Code of Ethics based solely on the father-son relationship where his son works for the county vendor, so long as the employee does not use his official position as the director of Risk

Management to give a special financial benefit to his son or his son's outside employer (the county vendor). While there may be no per se prohibited conflict of interest, if he chooses to participate on the selection committee, an appearance of impropriety may exist.

RQO 18-010: The director-curator of Mounts Botanical Gardens (MBG) asked if a conflict of interest would exist for her if she were to receive compensation from the Friends of Mounts Botanical Gardens (Friends of MBG), a nonprofit organization, for oversight of the county's Ambassadors of the Wetlands education program that is funded by a grant the Friends of MBG received from the Community Foundation for Palm Beach and Martin counties.

The COE opined as follows: A conflict of interest would exist for her if she were to receive compensation from the Friends of MBG for providing administrative oversight of the Ambassadors of the Wetlands program. Although it was determined that oversight of the program should be provided by the MBG staff, and this role become an additional responsibility for her as the director-curator, she is prohibited from accepting compensation from a source other than her public employer for performing her public duties, unless her employment contract states otherwise. Because the assistance she provided since July 2017 was in her official capacity as a Palm Beach County employee, she is prohibited from accepting the compensation from the Friends of MBG for oversight of the Ambassadors of the Wetlands program.

RQO 18-011: The former county engineer for Palm Beach County asked if the Palm Beach County Post Employment Ordinance (PEO) prohibits him, as a former county employee, from accepting payment from a telecommunications company to work with the municipalities within the county and the county itself on the development of one or more standard permit forms.

The COE opined as follows: He is not prohibited from working for a telecommunications company where he would interact with municipalities within the county and the county itself on the development of one or more standard permit forms. Under the PEO, as a former Level 1 employee, he is prohibited from representing anyone besides the county or another public entity for six months after leaving county employment. An additional 18-month restriction applies for "any particular matter involving common issues of law and fact in which the county is a party or has an interest in and which the former employee participated personally, substantially and directly for the county for an additional period of eighteen months." Because his employment with the county ended on August 31, 2017, his six-month prohibition, under the PEO, ended on February 28, 2018. In addition, because the work he has described would not involve a matter of which the county is a party, and he did not substantially participate in the development of the form as the county engineer, the additional 18-month prohibition does not apply. Therefore, the PEO does not prohibit him from accepting this employment.

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

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