

# INTRODUCTION TO THE PBC COMMISSION ON ETHICS

**Mark E. Bannon**  
**Executive Director**

# PBC Commission on Ethics



Commissioner  
**Michael Kridel**,  
Chair

Appointed by the president of the Palm Beach Chapter of the Florida Institute of CPAs

Must be a member who possesses at least 5 years experience as a CPA with forensic audit experience



Commissioner  
**Peter Cruise**,

Appointed by the President of Florida Atlantic University

Must be a faculty member who teaches, in an ethics related curriculum at a college/ university with a campus located in Palm Beach County



Commissioner  
**Bryan Kummerlen**

Appointed by the president of the PBC Association of Chiefs of Police

Must be a former law enforcement officer with experience in investigating white collar crimes or public corruption



Commissioner  
**Rodney Romano**

Appointed by the Palm Beach County League of Cities, Inc.

Must be a former elected official for a governmental entity within Palm Beach County



Commissioner **Sarah Shullman**

Appointed by the Presidents of the PBC Bar Association, F. Malcolm Cunningham Bar Association, and the Hispanic Bar Association

Must be an attorney with experience in ethics regulation of public officials and employees

# ONE ETHICS MOVEMENT

## Separate Core Functions

### Inspector General

- ❖ Contract Oversight
- ❖ Waste/Abuse/Fraud
- ❖ Mismanagement

### Commission on Ethics

- ❖ Ethics Complaints
- ❖ Advisory Opinions
- ❖ Training/Outreach

# COMMISSION STAFF

The Commission on Ethics has just finished its seventh year of operation. The Commission has five staff members that are county employees, but who serve the Commission independently of county government.

(The Executive Director is appointed by the Commission. All other staff members are appointed by the Executive Director. )

- **Executive Director** – Mark Bannon
- **General Counsel** – Christie Kelley
- **Intake and Compliance Manager** – Gina Levesque
- **Investigator** – Abigail Irizarry
- **Investigator** – Mark Higgs

# JURISDICTION

Jurisdiction of the **Commission on Ethics** is limited to county and municipal employees and officials, with limited jurisdiction over vendors of the county or municipalities, and lobbyists, principals or employers of lobbyists who lobby the county or municipalities, and applies to the following three county ordinances:

- ***PBC Code of Ethics*** (*applies countywide to all county and municipal officials and employees*)
- ***Lobbyist Registration Ordinance*** (*applies countywide except where a similar municipal ordinance exists*)
- ***Post Employment Ordinance*** (*applies only to former County Commissioners and certain former county employees*)

# THE PBC CODE OF ETHICS

- The Code of Ethics is twelve (12) pages in length, and is divided into eight (8) code sections:

1. Section 2-441. *Title; statement of purpose*
2. Section 2-442. *Definitions*
3. Section 2-443. *Prohibited conduct*
4. Section 2-444. *Gift law*
5. Section 2-445. *Anti-nepotism law*
6. Section 2-446. *Ethics Training*
7. Section 2-447. *Noninterference*
8. Section 2-448. *Administration, enforcement and penalties*

# LOBBYIST REGISTRATION

Effective April 2, 2012, the County Lobbyist Registration Ordinance was extended to all but three PBC municipalities under the jurisdiction of the COE (West Palm Beach, Palm Beach Gardens and Riviera Beach have their own lobbyist registration process).

- It provides for a Central Lobbyist Registration database as well as centralized reporting of lobbying expenditures.
- It mandates that the county and all municipalities maintain “contact logs” for all lobbying activity.
- It provides for a mandatory “**cone of silence**” provision which prohibits all communications other than written communications concerning any bid or proposal, from any potential bidder or their representative to an applicable elected official or employees who have authority to act for elected officials, during any competitive bid process.
- The “competitive bid process” period extends from the deadline to submit proposals or bids, to the point the proposal or bid is awarded.

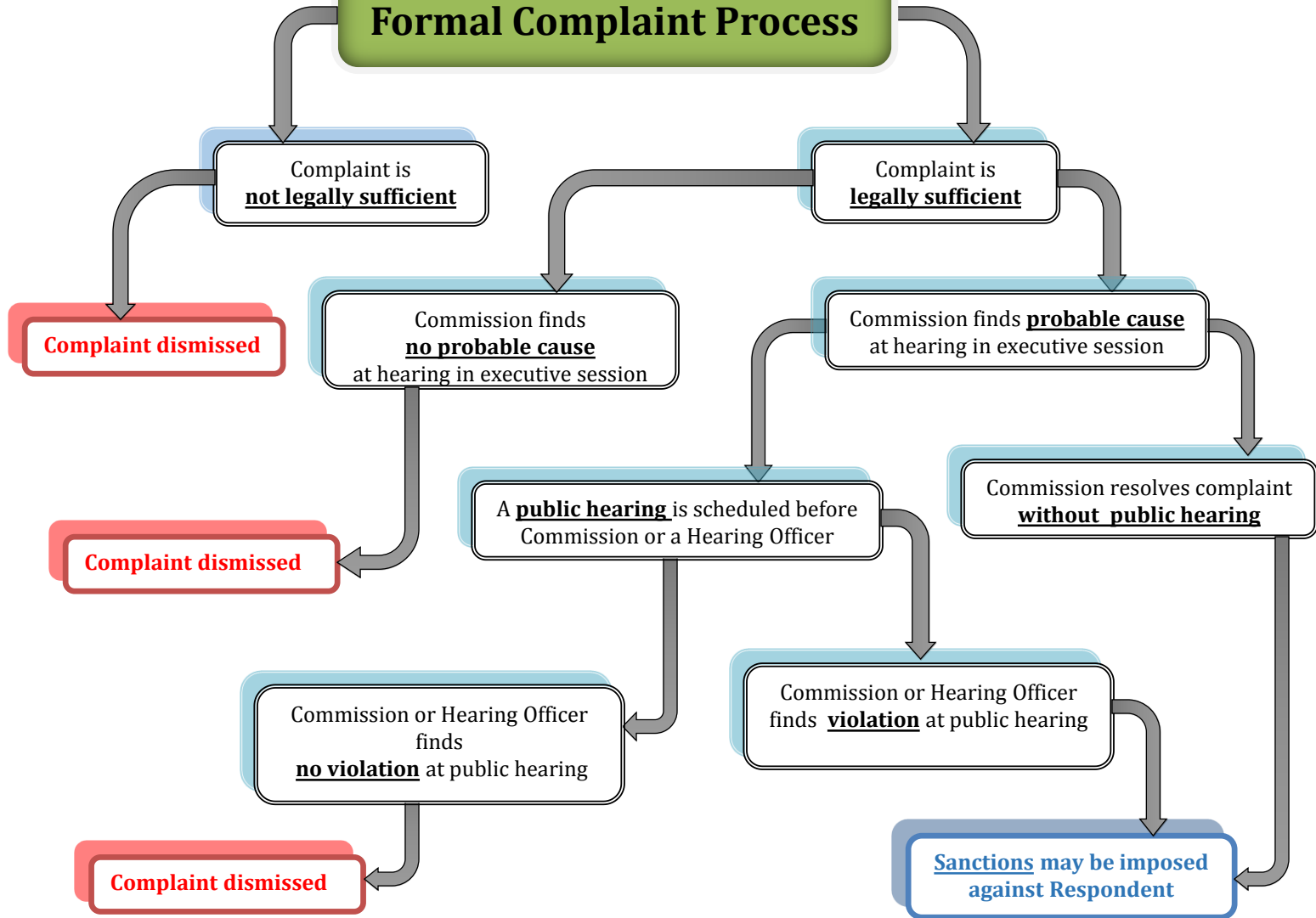
# POST EMPLOYMENT ORDINANCE

Applies only to former County Commissioners and to certain “high ranking” former County employees:

- All former County Commissioners are prohibited from representing for compensation (lobbying), any person or entity before the County Commission, other than the County or another public entity, for a period of two-years after they leave office.
- All “level one” former county employees (which includes: County Administrator, County Attorney, County Engineer, Fire Rescue Administrator, and certain deputy administrators), **are prohibited from lobbying for 6 months.**
  - And prohibited from any involvement in an issue in which the county has an interest and in which the “former employee” was personally involved in the matter while employed with the County for an additional period of 18 months (2 years total).
- Similarly, “level two” former employees (which includes: Assistant County Administrators, Assistant County Attorneys, department heads, etc.), **have the same lobbying prohibitions for 6 months.**
  - And a additional 6 months if they were personally involved in the matter while employed with the county (1 year total).



# Commission on Ethics Formal Complaint Process

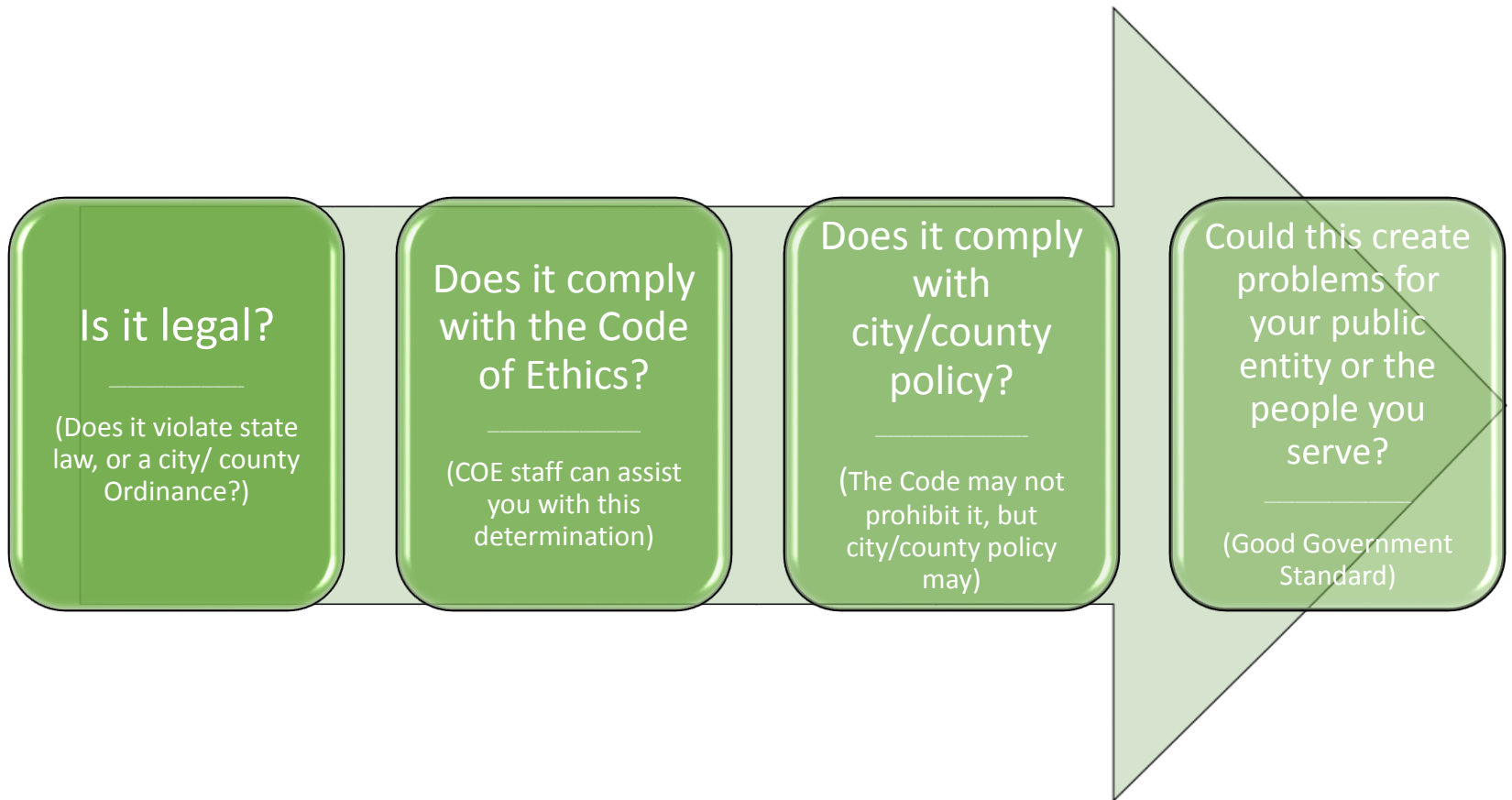


# Training and Outreach

- Since its inception in 2010, Commission staff have conducted in nearly 400 live training sessions for the more than 16,000 county and municipal officials and employees who are under the jurisdiction of the Commission on Ethics.
- This same training is also available online at our website ([www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)), as well as on U-Tube
- Commission members and staff have spoken at over 100 public or private events on ethics issues.
- We also work in conjunction with other important stakeholders at various events held each year, during “Ethics Awareness Month.” (Inspector General, State Attorney, Ethics Partnership Council, FAU Public Ethics Academy)

# ETHICS DECISION TREE

(a common sense approach to ethics training)



# Advisory Opinions

The COE offers advisory opinions to any official or employee within its jurisdiction, including municipal or county vendors and lobbyists where applicable.

The purpose of such opinions is to offer formal advice concerning whether specific actions being contemplated may be prohibited under one of the ordinances we enforce.

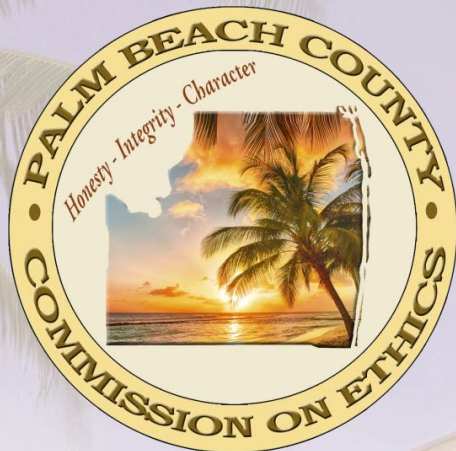
- In 2019 the COE issued 22 advisory opinions.
- Since being established in 2010, the COE has issued over 400 advisory opinions.

# COE Enforcement Powers

**Civil enforcement:** The **Commission on Ethics** is a code enforcement board with quasi-judicial powers. As such, it can issue letters of reprimand or instruction, order restitution where indicated, fine an offender up to \$500 per violation. Also, the public entity itself may void or rescind contracts that violate certain code provisions, and the employing agency always maintains the ability to discipline employees for violations of county/municipal policy.

**Criminal enforcement:** Knowing and willful violations of most provisions of the Code of Ethics may be punishable in the same manner as first degree misdemeanors (filed with the State Attorney).

- If convicted in a criminal case, violations may result in maximum penalties of up to one year in jail and/or as much as a \$1000 fine.



# **PALM BEACH COUNTY COMMISSION ON ETHICS**

*“Honesty, Integrity, Character”*

## **ETHICS**

*“Ask First, Act Later”*

**Call Us: *HOTLINE: 877-766-5920***

**Email Us: *Ethics@palmbeachcountyethics.com***

**Visit Us: *www.PalmBeachCountyEthics.com***

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**The Historic 1916 Palm Beach County Courthouse  
300 North Dixie Highway, Suite 450, West Palm Beach, FL 33401**