

Ethics Training



CONFLICTS

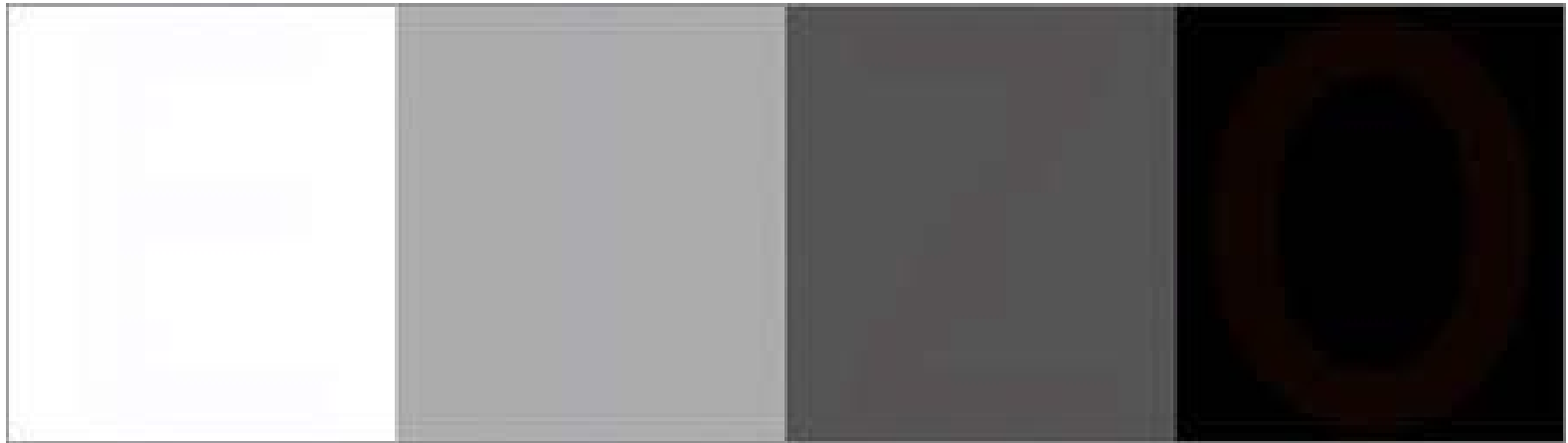
- DOING BUSINESS WITH THE CITY



- VOTING CONFLICTS



Where are you on the Spectrum?



AGENDA

- PEGGY SIDMAN OGC
- JASON GABRIEL OGC
- CHERRY SHAW OGC
- ALEXIS LAMBERT Public Accountability

AI Childers



#1

Florida catches up with
Jacksonville!

Ethics Training

- New State Ethics Law 2013: 4 hours/year of ethics training
- Jacksonville: 1999 required training for all elected officials and employees; 2007, annual Sunshine Training

#2

Trust in local Government

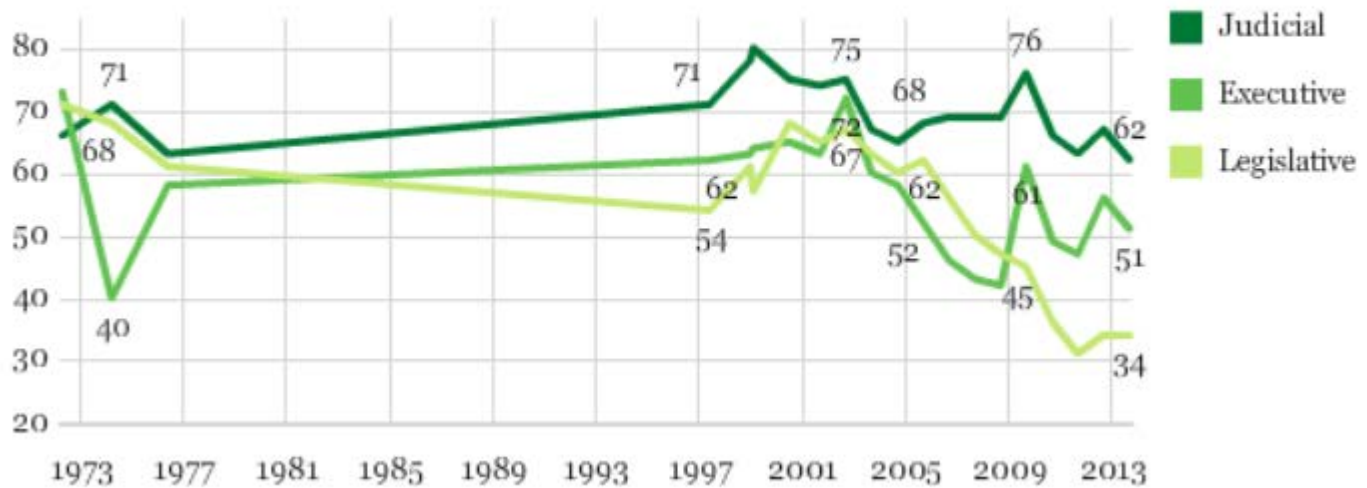
Trust in Government



On a Scale of 1-5, How much do you trust your national government? Your state government? Your city government?

Trust in Three Branches of U.S. Government

Figures are percentages with a great deal/fair amount of trust in the branch



Down 28 points from 62% (2005)

Table 2 -- Trust Local Government (UNF)

Just about always	4.9
Most of the time	30.1
Only some of the time	44.1
Never	7.6
Don't know	2.5
No answer	.6

WHY ?

HARVARD ETHICS CENTER



“INSTITUTIONAL CORRUPTION”

INFLUENCES THAT SHIFT PRIORITIES

1) WEAKEN THE ORGANIZATION

2) WEAKEN PUBLIC TRUST

That are **technically legal**.

Does this action increase
Public Trust?



CONFLICTS

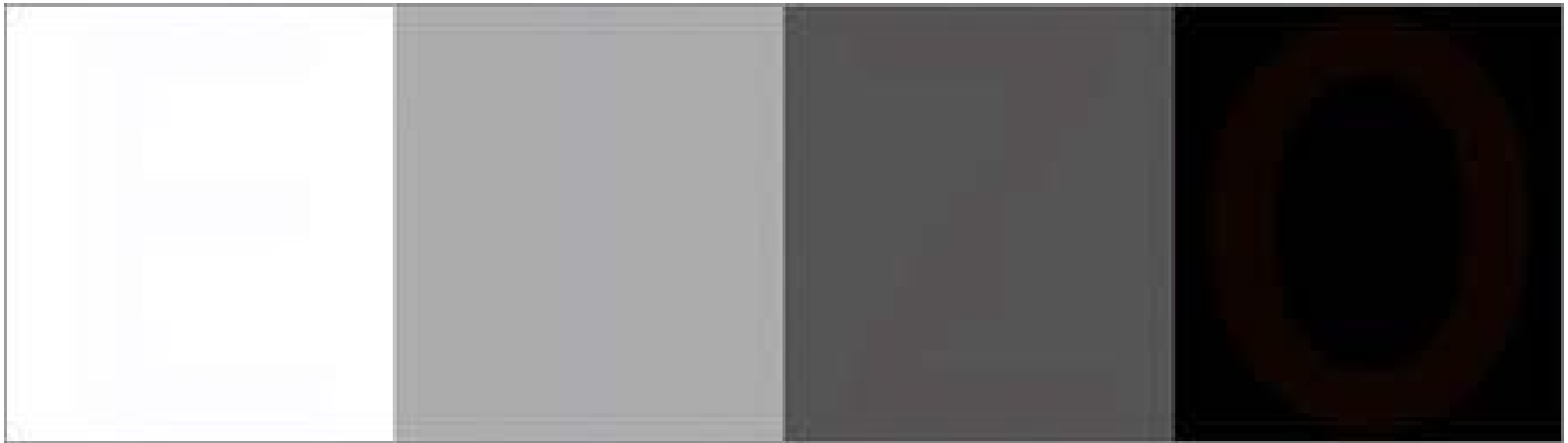
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Where are you on the Spectrum?



Misuse of Public Position

MISUSE OF PUBLIC POSITION — No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

Section 112.313(6), Florida Statutes

Corruptly . . . what does that mean?

- “...done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties...”
- Section 112.312(9), Florida Statutes

Acting Corruptly

- In order to have acted “corruptly” one must have acted “with reasonable notice that conduct was inconsistent with the proper performance of her public duties and would be a violation of the law or the code of ethics.” Blackburn v. Commission on Ethics, 589 So.2d 431 (Fla. 1st DCA 1991).

Misuse of Position - Question

- Would a State Senator be in violation of the “misuse of position law” if he or she insisted (to the deputy sheriff) that they use a barricaded street to gain access to a football stadium's parking lot?

Misuse of Position – Answer

- The Deputy Sheriff filed an ethics complaint.
- The Commission on Ethics concluded that senator violated the statute prohibiting misuse of public position.
- Senator appealed.
- 5th DCA overruled the Commission and found that the Senator had not “corruptly” misused his position.

Misuse of Position – Answer

- State senator's conduct in bullying deputy sheriff so that senator could use barricaded street to access football stadium's parking lot did not constitute acting “corruptly” and thus did not support conclusion of Commission on Ethics that senator violated statute prohibiting misuse of public position; no law or ethics code prohibited senator from asking to go through barricade, and senator was ultimately allowed to go through barricade because he was creating scene by refusing to move his vehicle as instructed by law enforcement, not because he was corruptly using his official position.
- Siplin v. Commission on Ethics, 59 So.3d 150 (5th DCA Fla. 2011)

Travel – Applicable Laws

- Chapter 112, Part III (Code of Ethics for Public Officers and Employees), Florida Statutes
- Chapter 106, Part 7 (Travel Expense Reimbursement), *Ordinance Code*
- Chapter 113 (Gifts to City), *Ordinance Code*
- Chapter 602, Part 7 (Gifts and Honoraria), *Ordinance Code*
- *Note any departmental or agency-wide policies as well*

Travel – General Rule

- If you are traveling for City business – City should pay.
- Execute the applicable travel forms and obtain the appropriate department / City approvals.
- If any third party wants to gratuitously donate funds to the City, on behalf of the City, ask your department head and ethics officer, the Office of Ethics, Compliance and Oversight, and the Office of General Counsel.

GIFTS & THINGS OF VALUE

Presented by:
Cherry A. Shaw
Assistant General Counsel



Persons regulated by Gift Laws under Section 112.3148, Fla. Stat.:

- Individuals who are required to file public disclosures of their financial interests, i.e., public officers.
- Procurement employees.
- Others as specified by law.

What is a Gift?

- Section 112.312 (12)(a), Fla. Stat. defines a gift as:
 - That which is accepted by a donee or by another on the donee's behalf or
 - That which is paid or given to another for or on behalf of a donee,
 - Directly, indirectly or in trust for the donee's benefit, or
 - By any other means,
 - For which equal or greater consideration is NOT given within 90 days.

Includes:

- Food or beverage
- Membership dues
- Plants, flowers or floral arrangements
- Transportation and lodging
- Preferential rates
- Real Property and the use of property
- Entrance fees, admission fees, tickets
- Services provided by professionals.
- Forgiveness of a debt.
- Tangible or intangible property and the use thereof.

The following are not gifts:

- Salary, benefits, fees related to employment
- Campaign contributions
- Awards, plaques or certificates
- Honoraria
- Honorary memberships
- Use of a public facility for a public purpose
- Transportation for official governmental business.

Gifts that are allowed under Section 112.3148, Fla. Stat.:

- Gifts from relatives
- Gifts on behalf of charities or govt. agency
- Gifts from non-lobbyists
- Gifts over \$100 must be reported, quarterly, on Form 9

Gifts that are prohibited under Section 112.3148, Fla. Stat.:

- Solicitation of gifts from a lobbyist or vendor.
- Gifts over \$100 from a lobbyist or vendor.
- Gifts from political committees per Section 112.31485, Fla. Stat.

Are these violations?

- A legislator received a hunting trip paid by a lobbyist.
- A mayor received free cable tv service from the city's cable franchisee
- School superintendent received "to-be-forgiven" home loan. (CEO 04-11)
- County Commissioner not knowing the identity of donors to a fund to help her ill son-in-law. (CEO 09-21)


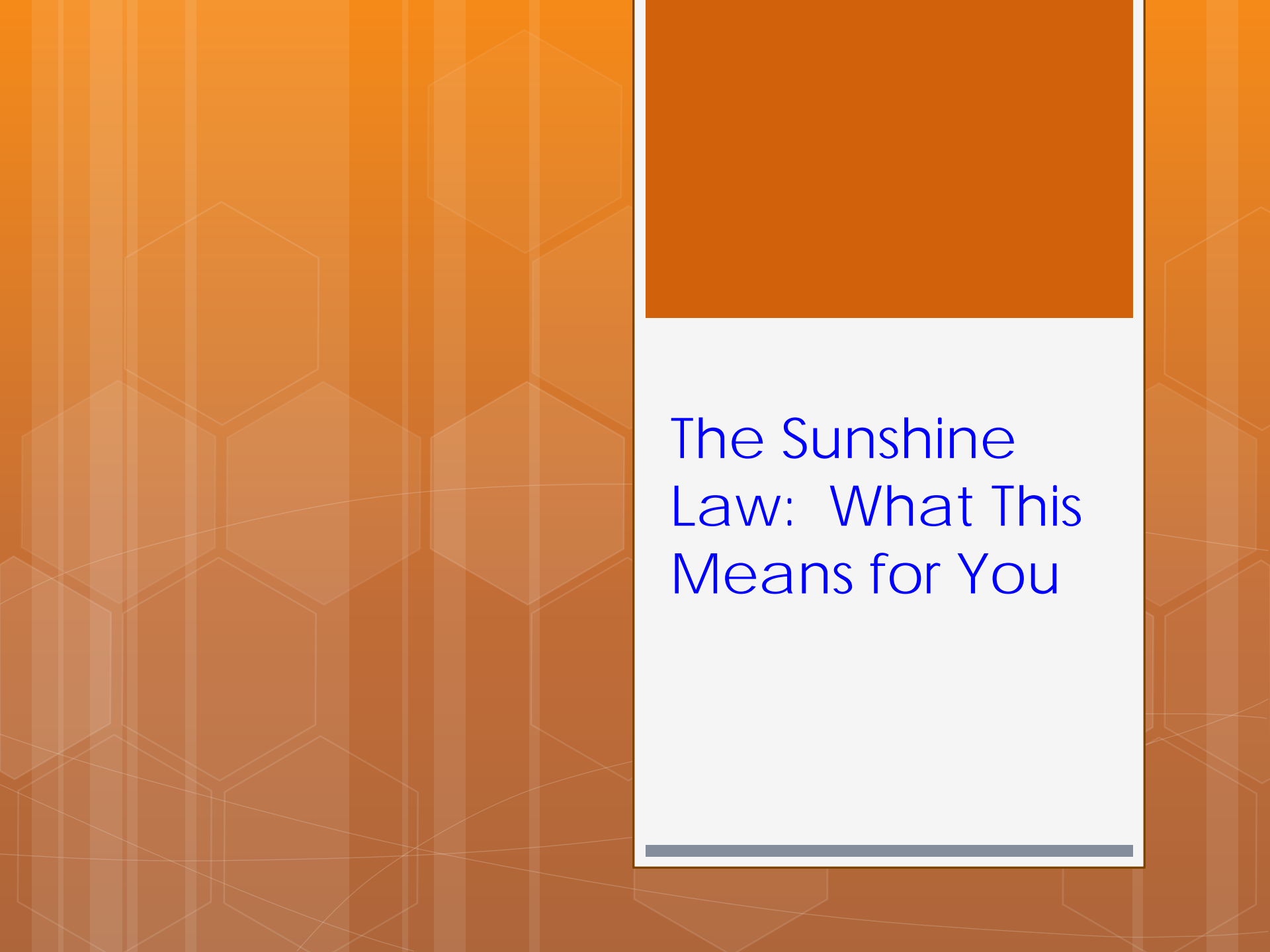
Honorarium

- Not a gift.
- Payment for invitation to speak or a writing
- Speech usually given at a meeting or function such as a convention
- Honoraria from lobbyists are not allowed.

What to remember about Gifts:

- A gift is anything you do not pay for within 90 days. (food, beverage, prizes, etc.)
- Gifts valued at more than \$100 from lobbyists and vendors are prohibited
- Any gift not prohibited, but more than \$100 must be reported on Form 9, quarterly.
- Gifts from relatives may be accepted in any amount, and there are no reporting requirements.

THANK YOU!!!



The Sunshine Law: What This Means for You

New Rules

- SB 50 became F.S. 286.0114, which has practical ramifications for you.
- This law created a statutory right for members of the public to speak in public meetings.

286.0114: The Quick and Dirty

- Members of the public shall be given a reasonable opportunity to be heard on a proposition before a public board or commission.
- During the decision making process
- Within a reasonable proximity in time before the board or commission takes the official action.

The Legal Junk

- ◉ Enforceable by injunction in circuit court
- ◉ There's an attorney's fee provision if a court finds a violation
- ◉ Bad faith litigants could have to pay fees as well
- ◉ Any action taken by a board or commission in violation of section 286.0114 is not void as a result of such violation (but it's expensive so don't do it)

And let us also be mindful...

- Of our digital communications!
- The mayor and three county commissioners in Orange County were caught texting with a lobbyist during a meeting.

Chaos ensued

- Not only were they caught texting, they got caught deleting the text messages.
- There was a blistering FDLE report
- The State Attorney found they had all violated the law
- They were all hit with \$500 fines

Some clarifications

- ◉ Location does not matter: if the content of the email or text message is about public business, it's a public record.
- ◉ It does not matter if you pay for that iPhone, iPad, laptop or other personal digital device.
- ◉ If you delete public records, the least severe punishment you face is a fine.

Don't be Coatesville

- This September, two (now former) school district officials used racially insensitive comments in text message exchanges.
- The messages were leaked to The Daily Local newspaper of West Chester, PA.
- The officials in question? The superintendent of the school system and a high school athletic director.

This is what happens when you get busted.

- The next school board meeting, which was held in a room that holds 750 people, had an overflow crowd.
- The constituents were furious.
- http://articles.philly.com/2013-09-26/news/42396143_1_text-messages-richard-como-school-year

Which led to more public scrutiny...

- ◉ The superintendent and athletic director were allowed to resign instead of being fired.
- ◉ They were not able to collect any of their pension money.
- ◉ Prosecutors began to take a closer look at the affairs of the school board, particularly the finances.

That escalated quickly.

- And by October 15, the press was announcing the grand jury investigation.
- <http://www.pottsmmerc.com/social-affairs/20130923/coatesville-schools-in-crisis-after-racially-charged-text-messages-surface>

HOMEWORK

BEHAVIORAL ETHICS

Mr. Spock vs. Homer Simpson

BEHAVIORAL ETHICS

Bounded ethicality

(no harm intended; just relied on habit)

Organizational Pressures

(rewards to go along; be polite)

The Asch Experiment





COURAGE

*COURAGE IS THE MOST IMPORTANT
OF ALL THE VIRTUES, BECAUSE
WITHOUT IT, YOU CAN'T PRACTICE
ANY OTHER VIRTUE CONSISTENTLY.*

Maya Angelou



ETHICS QUESTIONS

