

**WORKSHOP**

Honest Services and Misuse of Office  
March 15, 2011

The Board of County Commissioners met for a Workshop on Tuesday, March 15, 2011, at 1:30 p.m. and was provided a presentation of the federal law entitled "Honest Services" along with a "refresher" of other applicable ethics laws and issues for public officials.

Present were Chairman John Dailey and Commissioners Akin Akinyemi, Jane Sauls, Nick Maddox, Kristin Dozier, and Bryan Desloge (Commissioner Proctor was not in attendance). Also present were County Administrator Parwez Alam, and Board Secretary Rebecca Vause.

Chairman Dailey called the workshop to order at 1:35 p.m. and called upon County Attorney Thiele to make the presentation.

**Facilitator(s):** Herb W.A. Thiele, County Attorney  
Chris Anderson, Chief Asst. General Counsel, Florida Commission on Ethics

Mr. Thiele shared that the Board had directed, upon request by Commissioner Desloge, that the workshop be held. He noted that Chris Anderson of the Florida Commission on Ethics would provide information on the "gift" law and voting conflicts. Mr. Thiele also mentioned that other constitutional officers and city officials were invited to attend.

Mr. Thiele provided the history of the applicable federal law (18 U.S.C. § 1341 & 1443) by which "honest services" fraud is derived and also cited various examples of honest services fraud convictions throughout the nation and state.

Mr. Anderson distributed a list of "pit falls" related to the Voting Conflict Statute (F.S. 112.3143), "Gift" Laws (F.S. 112.313(2) & (4); 112.3148, 112.3149) and financial disclosure and reviewed in some detail areas of potential violation. (This document is attached.) He advised that the best way to avoid an ethics charge or violation was to consult with and listen to advice from the County Attorney on any questionable issues.

There was discussion, initiated by inquiries from Chairman Dailey, on the formal relationship between an individual Commissioner and the County Attorney. Mr. Anderson relayed that the County Attorney represents the County and was not a "personal attorney" for individual commissioners, but was a valuable resource to help answer and clarify questions. He deferred to County Attorney Thiele who opined that discussions between himself and a Commissioner related to County related business would be considered to be a client/attorney relationship and those discussions would not be divulged.

Mr. Thiele summarized that the Ethics Commission is available to help and provide guidance and he recommended that commissioners should not hesitate to contact Mr. Anderson or his staff with any questions. Additionally, in response to a question raised by Commissioner Desloge, Mr. Thiele advised caution when soliciting funds for a non-profit organization.

Mr. Thiele wanted to ensure that the Board was aware of a recent opinion by the Florida Bar which disallows an attorney from discussing with a Commissioner any issue(s) pending before the Board without first receiving permission from Mr. Thiele.

Mr. Thiele advised that this concluded the presentation.

Chairman Dailey on behalf of the Board expressed appreciation for County Attorney Thiele for his service to the Board, thanked Mr. Anderson for his presentation and Sheriff Campbell and other representatives from the Sheriff's Department for their attendance.

*Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Option 1: Accept presentation. The motion carried 6-0 (Commissioner Proctor out of Chambers).*

The workshop was adjourned at 2:45 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: \_\_\_\_\_  
John Dailey, Chairman  
Board of County Commissioners

BY: \_\_\_\_\_  
Bob Inzer, Clerk of the Court  
Leon County, Florida