

## Broward needs an ethics czar, inspector general says

*2014 could bring next phase of reform, but it's sure to spark controversy with city officials*

By Brittany Wallman, Sun Sentinel

Two years after a new political ethics code swept across Broward County, the strict set of rules has its flaws, the county's top ethics cop says.

It's time for Ethics 2.0, a second wave of reform, Broward Inspector General John Scott says.

A review of dozens of legal opinions in city halls from Weston to Sunrise to Fort Lauderdale to Hallandale Beach shows two key problems: Some city attorneys have found ways to accept freebies despite the strict gift ban, and attorneys in different cities have issued conflicting interpretations of the code.

In one opinion from a year ago, Miramar attorney Jamie Cole of Weiss Serota law firm said Commissioner Winston Barnes couldn't accept 10 free box seat tickets to the circus, which was under contract with the city. But the circus could "arrange to give a number of promotional tickets to the city," Cole offered, "which the city could then distribute to you as an elected official."

One attorney said a local elected official could bring a guest along on a free trip to Saudi Arabia. Several attorneys have suggested elected officials use public funds to pay for events they are invited to by contractors or vendors, in order to attend without breaking the ethics code.

Scott has concluded the system is flawed. He's working on a proposal that could be on the November ballot, asking voters to create an ethics czar or ethics committee to standardize interpretations of the code.

The ethics czar would be a central source of advice for elected officials in ethical quandaries.

Under the current setup, city attorneys in the 31 cities and at the county are asked by the elected officials — their bosses — for the advisory opinions on whether they can accept gifts, invitations to parties and other handouts. Once granted, the so-called "safe harbor" opinion offers the elected official legal cover from prosecution for violating the county ethics code.

The result is a patchwork of opinions, and a differing ethics standard city to city, Scott complained during his recent annual evaluation.

Elected officials in Dania Beach were told to pay their way to a holiday event sponsored by the Chamber of Commerce. Elected officials in Hallandale Beach, meanwhile, were told they could attend a Chamber-sponsored reception at the racetrack without paying. Both cities have contractual relationships with their chambers.

In another set of conflicting opinions, an elected official in Lauderhill was told by his city attorney that a session he

attended met the criteria for his code-required ethics training. An elected official in Margate who attended the same session was told it didn't.

A Weston commissioner was told by his attorney that he wouldn't have to file disclosures regarding fundraising for charities if his name were simply on the host committee and event invitation for the South Florida Initiative for Suicide Prevention. But a county commissioner in a similar situation was told she would have to file the disclosures.

Scott is expected to make a formal proposal in the coming weeks. A meeting between his office and officials from the Broward League of Cities to hash out differences on the issue is scheduled next week.

"As a result of our efforts in ethics enforcement and education, we have identified a number of areas in which the Broward public integrity structure can be improved," Scott's office said in a written statement to the Sun Sentinel. "Soon we will issue a report which will contain a series of recommendations designed to ensure fair application of the ethics laws for all."

Under his draft proposal, investigations would continue to be conducted by the Inspector General's office, but the training, advisory opinions and disciplinary outcomes would be decided by an ethics officer or commission.

The proposal, like the ethics code itself, is sure to spark controversy among the cities. The Broward County Commission imposed the code on the cities after voters agreed they wanted it. It went into effect in January 2012.

Sam Goren, attorney for the Broward League of Cities, which took issue with some key elements of the ethics code when it was approved, said he hadn't formed a position yet.

Miramar Mayor Lori Moseley said she knows of the proposal and doesn't like it.

"Having an ethics czar would only add another layer of bureaucracy," she said, adding that city officials hire their own attorneys based on credentials and then build trust with them over time.

Miramar Commissioner Wayne Messam said he wouldn't oppose Scott's proposed changes.

"I'm not in this office to receive a dinner. I'm not in this office to receive anything other than represent my constituents and look out for the people," he said, "and if the people want me to represent them in a way that I have to follow certain protocols and rules, then I will oblige to that."

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