



BROWARD OFFICE OF THE INSPECTOR GENERAL

OIG ETHICS COMPLIANCE REVIEW

RE: *ELECTED OFFICIALS' FILING OF REQUIRED ETHICS TRAINING CERTIFICATIONS*

SUMMARY

The Broward Office of the Inspector General (OIG) conducted this review to determine whether 165 current Broward County elected officials who held office in 2017 filed for public inspection¹ their ethics training certifications for the calendar year 2017, which were due by January 30, 2018, as required by the Broward Code of Ethics for Elected Officials (the Ethics Code).

At the start of our inquiry, there were 107 or approximately 65% of current elected officials whose certifications appeared on their local governments' websites as required. As we did in our July 2013 and September 2014 reviews of ethics training certifications (OIG 13-006 and OIG 14-010), the OIG contacted and worked with the clerks of those municipalities for whom we could not immediately verify compliance. We then directly emailed those officials in office whose certifications were not on the internet as well as those who filed attendance records from training providers rather than their own certifications.² We communicated the training and certification requirements and worked with municipal elected officials and clerks to bring those officeholders into compliance. Thereafter, we determined that 151 or approximately 92% of current elected officials substantially complied with the 2017 training and filing requirements.³

Despite our efforts, we have good cause to believe that 13 elected officials who are in office and one elected official who resigned during our review failed to file for public inspection a compliant certification, failed to complete the required training, or both. Thus, we are opening an investigation to determine whether the circumstances warrant filing ethics complaints against these individuals.

RELEVANT GOVERNING AUTHORITIES AND BACKGROUND

Section 1-19 of the Broward County Code of Ordinances, Code of Ethics for Elected Officials

Section 1-19(d)(2) of the Ethics Code requires each County and municipal elected official to complete a minimum of four hours of training in public service ethics, public records, and Sunshine

¹ Under the Broward Code of Ethics for Elected Officials (the Ethics Code), "filed for public inspection" means that the document has been filed with the elected official's chief administrative official or clerk and either the document or its substance is uploaded to a searchable internet database of the elected official's political subdivision. Broward County Code of Ordinances (BCC) Sec. 1-19(b)(4).

² Following a training session, the training provider will often prepare, sign, and present to the trainee an attendance record, typically called an "*attendance certificate*." This is the trainee's proof that he or she attended the enumerated training. This must be distinguished from a training *certification* under the Ethics Code, which is a document that elected officials must certify themselves, declaring that they have satisfied their ethics training requirements for the calendar year.

³ This review was limited to the issue of whether certifications were timely filed. Although our inquiry did not extend to a review of their substance beyond declarations that the minimum ethics training requirements were met, it came to our attention that two of the certifications may be false.

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(open meetings) law on an annual basis. This section further requires each elected official to certify annually that he or she met this requirement.

There have been four substantial changes to this part of the Ethics Code since our most recent review. By January 1, 2017, the Ethics Code (1) made the time period for compliance the calendar year with an effective certification deadline of January 30 for the prior calendar year; (2) required that two of the four hours of training be “interactive” or live; (3) required that the certifications reflect the date of each training session, the number of hours completed during each session, and whether the training was live individual training, live group training, online training, or watching or listening to recorded materials (the Section 1-19(d)(3) requirements); and (4) required the elected officials to file their certifications for public inspection, making them available online rather than just filed with the county administrator or the clerk.

REVIEW

Between February and September 2018, the OIG conducted a review of online and publicly available data and documents supplied by the County and its 31 municipalities to determine whether Broward’s elected county and municipal officials complied with the training provisions of the Ethics Code.

At the start of our review, of the 165 elected officials who held office in 2017, the OIG identified 107 who were in substantial compliance^{4, 5} and 58 who did not appear to be in compliance. Of the 58, we identified 46 elected officials who failed to file for public inspection any training documents and 12 who filed provider attendance records instead of their own certifications. The Ethics Code requires the latter, which elected officials must personally certify, declaring that they have satisfied their ethics training requirements for the prior calendar year.

In the ensuing weeks, we worked with municipal clerks, through whom we received 34 more certifications.

In August 2018, the OIG sent email notices to 23 out of 24 officeholders whose certifications we could not confirm.⁶ The OIG informed those officials that the Ethics Code required them to annually certify that they met the training requirement on a form filed for public inspection within 30 days after the end of each calendar year and that they provide the required information. This email contained a link to a suggested certification form that the officials could use to satisfy their requirement.⁷ The OIG also informed those officials that in order to avoid further action, they should report their compliance to us.

⁴ All of the sitting elected officials of the following political subdivisions who were in office in 2017 were in substantial compliance at the start of our inquiry: Coconut Creek, Coral Springs, Davie, Deerfield Beach, Fort Lauderdale, Hollywood, Lauderdale by the Sea, Lauderdale, Lighthouse Point, Margate, Miramar, Oakland Park, Parkland, Pembroke Pines, Pompano Beach, Sunrise, Tamarac, and Weston.

⁵ Many of these certifications were on older forms that had not been updated after January 1, 2017, when the training detail requirements of Sec. 1-19(d)(3) came into effect. We emailed and informed the elected officials who filed these old forms that the law had changed and provided them with the County Attorney’s current form for their 2018 certifications.

⁶ We did not email the elected official who resigned during our inquiry.

⁷ The County Attorney drafted the form, which is available online at the Broward County website at <http://www.broward.org/Legal/Documents/CertificationOfMeetingAnnualTrainingRequirement.pdf>.

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OIG staff proceeded to work with municipal officials, including elected officials and clerks to assist them in fulfilling this provision of the Ethics Code. After our most recent contact, we confirmed that 10 more elected officials came into compliance with the training and reporting requirements.

There were then 13 elected officials whom we had emailed and whose compliance we were unable to verify. One town clerk replied to our email with provider attendance records for three officials. The OIG replied with another explanation and a suggestion that they use the same link for the form that we had previously provided. We have not yet heard back from these officials or their town clerk. We did receive two certifications that may be false. Eight other officials have not replied to our emails at all.

Ultimately, the OIG found good cause to believe that 13 current elected officials and one who resigned during our review failed to meet the training requirements of the Ethics Code in 2017.

CONCLUSION

At the start of our inquiry, only approximately 65% of the current elected officials in Broward County who were in office in 2017 were in apparent compliance with their 2017 ethics training and training certification requirements. Following our inquiry, we found that approximately 92% of them had substantially complied.

Unfortunately, we have good cause to believe that 14 elected officials have failed in their obligation to certify the training standards of the Ethics Code. The OIG will commence an investigation into these failures. Following our investigation, if appropriate, we will proceed to file ethics complaints under our authority and the mandate established by Section 10.01 of the Broward County Charter.