



BROWARD OFFICE OF THE INSPECTOR GENERAL

OIG ETHICS COMPLIANCE REVIEW

RE: ELECTED OFFICIALS' FILING OF REQUIRED 2022 ETHICS TRAINING CERTIFICATIONS

SUMMARY

The Broward Office of the Inspector General (OIG) has completed a review to determine whether the 147 current Broward County elected officials who held office in 2022 and were subject to the Broward Code of Ethics for Elected Officials (the Ethics Code) requirement to file for public inspection¹ their calendar year 2022 ethics training certifications by January 30, 2023, complied with that requirement.

At the start of our inquiry, there were 127 or approximately 86.4% of the elected incumbent officials who held office in 2022 whose 2022 certifications appeared on their local governments' websites. We were unable to immediately verify compliance for 20 elected officials because they either (1) did not file for public inspection any record of training, (2) certified to the wrong time period, or (3) filed one or more attendance records from training providers instead of their own training certification.² As we did in our July 2013, September 2014, and September 2018 reviews of ethics training certifications (OIG 13-006, OIG 14-010, and OIG 18-002), we contacted and worked with the clerks of the municipalities of the 20 officials for whom we could not immediately verify compliance. We communicated the training certification filing requirements and worked with clerks to bring those officeholders subject to the Ethics code's requirement into compliance. Thereafter, we determined that 146 or approximately 99.3% of current elected officials substantially complied with the 2022 training certification filing requirement.³

Despite our efforts, we have good cause to believe that one elected official who is currently in office failed to file for public inspection a compliant annual training certification for 2022. Thus, we are opening an investigation to determine whether the circumstances warrant filing an ethics complaint against this individual.

¹ Under 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, a training provider will often prepare, sign, and present to the trainee a record documenting his or her attendance, often 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 and sign themselves, declaring that they have satisfied their ethics training requirements for the calendar year. For example, see OIG Figure 1, below.

³ This review was limited to the issue of whether each required elected official timely filed for 2022 a "Certification of Meeting Annual Training Requirement" or similar certification. Our inquiry did not extend to a review of their substance beyond declarations that the officials met the requirement to obtain four hours of training in ethics, public records, and public meetings in 2022.

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) 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 public meetings law on an annual basis. This section further requires each elected official to file for public inspection a certification that he or she met this requirement. The Office of the County Attorney has created a form for this purpose, the “Certification of Meeting Annual Training Requirement,” available at Broward County’s website and shown here:

CERTIFICATION OF MEETING ANNUAL TRAINING REQUIREMENT

I hereby certify that I have received a minimum of four hours of training on the topics of Sunshine Law, public records, and public service ethics during the year ending _____.

Date of Training Session	Length of training (in hours)	Training Method
[]	[]	<input type="checkbox"/> Individual live training <input type="checkbox"/> Group live training <input type="checkbox"/> Online training <input type="checkbox"/> Watched or listened to recorded material
[]	[]	<input type="checkbox"/> Individual live training <input type="checkbox"/> Group live training <input type="checkbox"/> Online training <input type="checkbox"/> Watched or listened to recorded material
[]	[]	<input type="checkbox"/> Individual live training <input type="checkbox"/> Group live training <input type="checkbox"/> Online training <input type="checkbox"/> Watched or listened to recorded material
[]	[]	<input type="checkbox"/> Individual live training <input type="checkbox"/> Group live training <input type="checkbox"/> Online training <input type="checkbox"/> Watched or listened to recorded material
[]	[]	<input type="checkbox"/> Individual live training <input type="checkbox"/> Group live training <input type="checkbox"/> Online training <input type="checkbox"/> Watched or listened to recorded material

Signature of Elected Official: _____
 Date: _____

OIG Figure 1: Certification of Meeting Annual Training Requirement form created by the Office of the County Attorney to enable elected officials to comply with the annual ethics training requirements of the Ethics Code.⁴

The Ethics Code (1) makes the time period for compliance the calendar year with an effective certification deadline of January 30 for the prior calendar year; (2) requires that at least two of the four

⁴ Last retrieved on July 27, 2023, from <https://www.broward.org/Legal/Pages/ethicsForms.aspx>.

hours of training be “interactive” or live; (3) requires 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; and (4) requires the elected officials to file their certifications for public inspection and make them available online rather than just filed with the county administrator or the clerk.^{5, 6}

REVIEW

Between February and July 2023, the OIG conducted a review of online and publicly available data and documents supplied by the County and the 31 municipalities within the County to determine whether Broward’s elected county and municipal officials complied with the training certification filing provisions of the Ethics Code.

At the start of our review, the OIG identified that 127 of the 147 current elected officials who held office in 2022 and were subject to the Ethics Code’s filing provisions had already filed a 2022 ethics training certification.⁷ Twenty officials from ten municipalities had not. Of the 20, we identified eight elected officials who failed to file for public inspection any training documents, one who certified to the wrong time period,⁸ and another 11 who filed provider attendance records instead of their own certifications. The Ethics Code requires the official to certify and sign their own declaration that they have satisfied their ethics training requirements for the prior calendar year. (For example, see OIG Figure 1, above)

In an effort to achieve full compliance, the OIG contacted each of the ten municipal clerks for the municipalities with officeholders who did not post their 2022 ethics training certificates on their municipal websites. The OIG requested that the clerks post missing or correct certificates on their municipal websites and forward copies to the OIG. In response, the clerks responded to the OIG requests and posted nearly all of the correct forms online. Thus, we subsequently found another 19 officials to be in compliance. One official remained out of compliance.

We noted that official’s municipality made an effort to bring that official into compliance. The OIG’s initial review showed that, of the 20 elected officials who originally had not filed correct ethics training certifications for 2022, two were from one municipality. That municipality’s clerk forwarded the OIG’s email request to the two commissioners, asking that they sign the attached form “with today’s date”

⁵ BCC Sec. 1-19(d)(2).

⁶ The scope of this review did not include newly elected officials; the Ethics Code requires them to file for public inspection a certification that they completed four hours of training in ethics, public records, and public meetings law within 120 days of taking office. BCC Sec. 1-19(d)(1). This is in addition to meeting the annual training requirement of BCC Sec. 1-19(d)(2). In the future, the OIG may undertake a review to determine whether elected officials who were elected in 2022 met these requirements.

⁷ All of the elected officials of the following political subdivisions who were in office in all of 2022 had complied by the start of our inquiry: Broward County, Coconut Creek, Coral Springs, Dania Beach, Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Lauderdale by the Sea, Lauderdale Lakes, Lauderdale Hill, Lighthouse Point, Margate, Miramar, Oakland Park, Parkland, Pembroke Pines, Pompano Beach, Sea Ranch Lakes, Southwest Ranches, Sunrise, and Weston.

⁸ This individual filed a training certification form for newly elected officials and certified to completing four hours of training within 120 days of taking office; however, he or she was not a newly elected official.

and return it to her. Thereafter, just one of the two commissioners completed and filed for public inspection a compliant certification.

Instead of completing, signing, and returning the form to the clerk, the remaining commissioner engaged in email correspondence with the OIG beginning on July 5, 2023, explaining that he was out of the country and unable to sign “the forms in question” at the time because the town commission had decided to be on hiatus until a workshop meeting on August 23, 2023. He then incorrectly asserted that “the responsibility in this matter lies with the town clerk’s office” because he or she (the commissioner) “diligently completed and submitted my ethics training certificates to the town clerk upon the completion of each training session.”

On July 11, 2023, the OIG communicated to the municipality’s attorney that if the commissioner filed a correct certification on or by Friday, July 21, 2023, the OIG would be able to report his or her substantial compliance. However, as of August 24, 2023, after the town’s hiatus was over, the municipality’s website was still missing a 2022 Certification of Meeting Annual Training Requirement form—or any other certification form that would meet the requirements of the Ethics Code—by this commissioner.

Ultimately, the OIG found good cause to believe that this one official failed to meet the Ethics Code’s training certification filing requirement for 2022.

CONCLUSION

At the start of our inquiry, approximately 86.4% of the current elected officials in Broward County who were in office in 2022 and were required to file 2022 ethics training certifications had complied with the requirement. Following our inquiry, we found that approximately 99.3% of them had done so.

The Ethics Code applies to the elected mayors and members of the governing bodies of Broward County’s local governments, not to municipal clerks. The responsibility to file for public inspection training certifications under the Ethics Code, as clearly outlined in the Ethics Code at Broward County Code Section 1-19(d)(3), lies with the elected officials. Unfortunately, we have good cause to believe that one elected official has failed in his or her obligation to certify and file for public inspection that he or she met the training standards of the Ethics Code for 2022. The OIG will commence an investigation into this failure. Following our investigation, if appropriate, we will proceed to file an ethics complaint under our authority and the mandate established by Section 10.01 of the Broward County Charter.