

**OFFICIAL MEETING MINUTES  
OF THE  
PALM BEACH COUNTY COMMISSION ON ETHICS  
PALM BEACH COUNTY, FLORIDA**

**NOVEMBER 5, 2015**

**THURSDAY  
1:30 P.M.**

**COMMISSION CHAMBERS  
GOVERNMENTAL CENTER**

**I. CALL TO ORDER**

**II. ROLL CALL**

**MEMBERS:**

Michael S. Kridel, Chair  
Clevis Headley, Vice Chair  
Michael F. Loffredo  
Judy M. Pierman  
Sarah L. Shullman

**STAFF:**

Mark E. Bannon, Commission on Ethics (COE) Interim Executive Director  
Anthony C. Bennett, COE Investigator  
Wayne Condry, Human Resources (HR) Director  
Steven P. Cullen, COE Executive Director  
Christie Kelley, COE Staff Counsel  
Gina A. Levesque, COE Intake Manager  
Leilani Yan, HR Recruitment and Selection Manager

**ADMINISTRATIVE STAFF:**

Barbara Strickland, Deputy Clerk, Clerk & Comptroller's Office

**III. INTRODUCTORY REMARKS**

Michael Kridel, Commission on Ethics (COE) Chair, announced that today's executive session was postponed.

**IV. APPROVAL OF MINUTES FROM SEPTEMBER 16, 2015**

**MOTION to approve the September 16, 2015, minutes. Motion by Clevis Headley, seconded by Judy Pierman, and carried 5-0.**

**V. APPROVAL OF MINUTES FROM OCTOBER 1, 2015**

**MOTION to approve the October 1, 2015, minutes. Motion by Clevis Headley, seconded by Michael Loffredo, and carried 5-0.**

**VI. EXECUTIVE SESSION – Canceled**

**VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)**

- a. RQO-15-045
- b. RQO 15-046

**MOTION to approve the advisory opinions as published. Motion by Vice Chair Headley, seconded by Commissioner Loffredo, and carried 5-0.**

**VIII. ITEMS PULLED FROM CONSENT AGENDA – None**

**IX. PROPOSED ADVISORY OPINIONS**

- a. RQO 15-044

Mark Bannon, COE Interim Executive Director, stated that:

- The proposed opinion was based on the current Cone of Silence (Cone) section of the Lobbyist Registration Ordinance (Ordinance).
- It was not on the consent agenda because the COE did not regularly deal with the Ordinance.

Christie Kelley, COE Staff Counsel, stated that:

## IX. – CONTINUED

- The attorney representing the Municipal Public Safety Communications Consortium of Palm Beach County (MPSC) requested that MPSC members be allowed to speak with officials and employees of the cities of Boca Raton, Boynton Beach, and Delray Beach, to discuss their rejoining the MPSC and becoming part of its public radio system.
- Those cities signed interlocal agreements (agreements) with Palm Beach County concerning the use of a proposed countywide public radio system. The agreements allowed each city to choose whether to use the vendor selected by the County's Request for Proposal (RFP) process.
- The agreements required each city's elected officials to comply with the Ordinance's Cone provisions regarding the respondents' compliance with the County's RFP.
- The County issued an RFP for the countywide public safety radio system. Harris Corporation and Motorola Inc. submitted proposals, and the Consortium did not participate.
  - The board subsequently chose Motorola as the County's vendor, although a contract was not yet awarded.
  - Since the Consortium was neither a respondent nor a representative of the respondent, staff submitted that the Cone did not prohibit Consortium representatives from speaking with the officials of those cities.

Commissioner Shullman commented that the issue remained under the COE's jurisdiction as mentioned in Section 2-355 of the Ordinance.

Mr. Bannon clarified that the cities entering the agreement also agreed to abide by the Cone.

**MOTION to approve RQO 15-044 as published. Motion by Judy Pierman, seconded by Clevis Headley, and carried 5-0.**

**X. EXECUTIVE DIRECTOR UPDATE: APPLICANT SHORT-LIST AND INTERVIEW DATE DISCUSSION (LEILANI YAN)**

Chair Kridel asked Leilani Yan, HR Recruitment and Selection Manager, to describe the selection process.

Ms. Yan stated that:

- The Executive Director (ED) position was advertised from September 21, 2015, through October 9, 2015.
  - The HR staff received 42 applications, which were screened for minimum qualifications.
  - The COE commissioners were provided with the resumes for their review, along with professional conduct questionnaires completed by the applicants.
- Those results were combined into the frequency table handed out to COE commissioners. It showed the frequency at which the candidate's name was mentioned, and a summary of frequency levels.
  - Four of the five respondents listed Mr. Bannon in the top group.
  - Six candidates received three nominations, three candidates received two, and seven candidates were mentioned at least once by each panelist.

Chair Kridel stated that the floor was open for discussion. He added that the goal was to identify the viable candidates and proceed to initial interviews. He added that the first to be considered was Mr. Bannon.

Ms. Yan said that the open process allowed Mr. Bannon to remain in chambers during the discussion.

## X. – CONTINUED

Wayne Condry, HR Director, stated that any short list would be created in public, and that a separate meeting would be required to announce the five candidates chosen for interviews.

Chair Kridel suggested that a poll be taken today to select five names from the seven to interview.

Commissioner Loffredo stated that:

- Mr. Bannon was a desirable candidate because he was always involved with the criminal justice system as a military policeman, retiring as lieutenant. He held various positions that involved working with people, graduated from Nova University, and earned a law degree from the University of Miami.
- He worked for five years for the COE in an investigative capacity, knew the court system and many court staff members, and could hit the ground running.

Commissioner Pierman stated that nobody possessed as much experience as Mr. Bannon.

Commissioner Headley stated that he agreed with the statements made by Commissioner Loffredo.

Chair Kridel stated that he agreed with Commissioner Shullman's suggestion to place Mr. Bannon in the top group containing four candidates. He added that:

- Candidate Judith Levine possessed a long history in law enforcement, from the Attorney General's Office to the Miami-Dade Police Department as a legal advisor.
- She clearly possessed the legal qualifications, knew how the public sector worked, and she met all the other qualifications.

Commissioner Loffredo stated that Ms. Levine's entire career within the criminal justice system following graduation from the University of Florida Law School made her very qualified.

## X. – CONTINUED

Commissioner Shullman commented that:

- Ms. Levine's work with the Broward County Sheriff's Office was very similar to the work she would perform at the COE, since she supervised seven attorneys, ten support staff and the risk management director, and oversaw legal matters, public records, and ethics issues.
- In her current position, she provided legal advice concerning government liability issues and public records.
- She seemed capable of adapting to COE work requirements of interpreting ethics laws and applying them.

Concerning candidate Gary Lippman, Commissioner Loffredo stated that:

- He worked at the Police Benevolent Association (PBA) for 15 years performing work similar to the COE's.
- He was accustomed to both the administrative and criminal sides of criminal justice, and was a good candidate.

Chair Kridel stated that he concurred with Commissioner Loffredo's opinion because the PBA's work was consistent with the COE's.

Commissioner Shullman stated that Mr. Lippman negotiated and defended agreements with the PBA, which showed that he understood COE work, and that he should be invited to an interview.

Chair Kridel stated the following about candidate Tamar Nedzar:

- She was obviously familiar with a substantial amount of ethical issues, considering that she worked for the United States (U.S.) House of Representatives, the U.S. Selection Assistance Commission at various times, and had every opportunity to be exposed to every type of ethical dilemma that could be presented in the public sector.

## X. – CONTINUED

- Her focus was consistently on ethical issues as opposed to the other three candidates with criminal justice and law enforcement experience.

Commissioner Headley said that he agreed that Ms. Nedzar's experience with the U.S. House of Representatives Committee on Ethics was crucial to the job.

Commissioner Shullman stated that Ms. Nedzar's experience was the most relevant to COE work. She added that she could bring an outside perspective to the county.

Chair Kridel reminded the group that Inspector General John Carey was also recruited outside the county.

Chair Kridel stated that candidate James Rowlee possessed experience in the public sector from working at the Broward County Attorney's Office for 14 years. He said that Mr. Rowlee's experience was not necessarily on point, but prior to that job he worked for Broward County's court system, and also possessed experience in private practice.

Commissioner Shullman commented that Mr. Rowlee's cover letter mentioned advising Broward County commissioners on their ethical obligations in 2010 during the Code of Ethics adoption. He currently gave ethics guidance to the Broward County Housing and Finance Authority, the Tourist Development Council, and the Health Facilities Authority, she said.

Chair Kridel said that the interview panelists should explore with Mr. Rowlee how much of what he described in his letter related to his other responsibilities and his achievements.

Chair Kridel stated that:

- The next candidate, Stephanie Silver, worked for 15 years at the City of Miami's State Attorney's Office (SAO).
- Ms. Silver's resume listed various initiatives, tasks, and a variety of experience in the criminal justice arena. She demonstrated stability and could make the transition to the quasi law-enforcement COE realm.

## X. – CONTINUED

- He believed that 15 years in one position may make the transition challenging.

Commissioner Loffredo commented that Ms. Silver was not as strong as several of the other candidates.

Commissioner Shullman stated that although she may be capable, her resume provided little background beyond her SAO work.

Chair Kridel said that candidate Kimberly Tendrich had experience in the public sector as Public Defender and in human resources. She possessed in-depth experience with many issues that affected many people, as well as administrative law, he said.

Commissioners Loffredo, Headley, and Pierman stated that they concurred with Chair Kridel's opinion.

Commissioner Shullman said that she would be comfortable with Ms. Tendrich assuming the position, given the agencies that she advised, and her many accomplishments that included directing investigations, providing counsel to agency attorneys, and other skills.

Chair Kridel stated that the top seven candidates were discussed and the COE now needed to decide who to actually interview. His poll of each COE commissioner resulted in the following:

### CANDIDATE MARK BANNON

- Commissioner Loffredo: Yes.
- Commissioner Headley: Yes.
- Commissioner Pierman: Yes.
- Commissioner Shullman: Yes.



## **X. – CONTINUED**

- Commissioner Kridel: Yes.

Chair Kridel reported five votes for Mr. Bannon.

### CANDIDATE JUDITH LEVINE

- Commissioner Shullman: Yes.
- Commissioner Pierman: Yes.
- Commissioner Kridel: Yes
- Commissioner Headley: Yes.
- Commissioner Loffredo: Yes.

Chair Kridel reported five votes for Ms. Levine.

### CANDIDATE GARY LIPPMAN

- Commissioner Loffredo: Yes.
- Commissioner Headley: No.
- Commissioner Pierman: Yes.
- Commissioner Shullman: Yes.
- Commissioner Kridel: No.

Chair Kridel reported three votes for Mr. Lippman.

### CANDIDATE TAMAR NEDZAR

- Commissioner Shullman: Yes.
- Commissioner Pierman: No.

**X. – CONTINUED**

- Commissioner Kridel: Yes.
- Commissioner Headley: Yes.
- Commissioner Loffredo: Yes.

Chair Kridel reported four votes for Ms. Nedzar.

CANDIDATE JAMES ROWLEE

- Commissioner Loffredo: Yes.
- Commissioner Headley: No.
- Commissioner Kridel: No.
- Commissioner Pierman: No.
- Commissioner Shullman: Yes.

Chair Kridel reported three votes for Mr. Rowlee.

Wayne Condry, HR Director, stated that a correction in the vote should be made because he heard three “no” votes and two “yes” votes.

Chair Kridel conducted a vote recount for Mr. Rowlee.

CANDIDATE JAMES ROWLEE

- Commissioner Loffredo: Yes.
- Commissioner Headley: No.
- Commissioner Kridel: No.
- Commissioner Pierman: No.

## X. – CONTINUED

- Commissioner Shullman: Yes.

Chair Kridel stated that the vote recount showed Mr. Rowlee received two “yes” votes and three “no” votes.

### CANDIDATE STEPHANIE SILVER

- Commissioner Shullman: No.
- Commissioner Pierman: No.
- Commissioner Kridel: No.
- Commissioner Headley: No.
- Commissioner Loffredo: No.

Chair Kridel reported five “no” votes for Ms. Silver.

### CANDIDATE KIMBERLEY TENDRICH

- Commissioner Loffredo: No.
- Commissioner Headley: Yes.
- Commissioner Kridel: Yes.
- Commissioner Pierman: Yes.
- Commissioner Shullman: Yes.

Chair Kridel recapped the vote totals, saying that:

- Mr. Bannon received five positive votes.

## X. – CONTINUED

- Ms. Levine received five votes.
- Mr. Lippman received three votes.
- Ms. Nedzar received four votes.
- Mr. Rowlee received two votes.
- Ms. Silver received no votes.
- Ms. Tendrich received four votes.
- The top four candidates were: Mr. Bannon, Ms. Levine, Ms. Nedzar, and Ms. Tendrich.

Chair Kridel asked COE members whether any of the three remaining candidates resonated loudly enough that it would be erroneous or an oversight not to give any of the three an opportunity for a personal interview.

Commissioner Loffredo commented that Mr. Lippman spent 15 years with the PBA and earned a Master's degree from Cornell University.

Chair Kridel said that there was no question that Mr. Lippman was a qualified candidate for the position, but the COE should decide whether he should be included.

Commissioner Shullman said that she would like to interview him because of his experience with official misconduct investigations. She added that the COE originally planned to interview five candidates.

Commissioner Loffredo stated that he was content with four candidates.

Commissioner Headley stated that at the outset, the COE members agreed to identify five candidates and that Chair Kridel spoke strongly in favor of Mr. Lippman. He suggested that the group consider adding Mr. Lippman to the list.

Chair Kridel stated that he was not bound by what the COE started out to do in terms of candidate numbers. He said that Commissioner Loffredo made strong points regarding Mr. Lippman's experience and applicability to job requirements.

## **X. – CONTINUED**

Commissioner Pierman stated that she was satisfied with five candidates.

Commissioner Shullman agreed to interview five candidates.

Ms. Yan stated that the candidate selection was completed. The next step was to discuss tentative interview dates, she said.

Chair Kridel suggested that this be achieved offline, and that the COE be advised of the schedule. He suggested that dates be chosen as soon as possible out of respect to the candidates themselves and secondarily to individual commissioners' schedules.

Ms. Yan said that another process that could be done offline was the development of interview questions, procedures and protocols associated with that. She said that she could send examples to the commissioners and wait to get their feedback.

Chair Kridel said that procedures followed during former COE Executive Director Steve Cullen's selection were a good place to start.

## **XI. INTERIM EXECUTIVE DIRECTOR COMMENTS**

Mr. Bannon stated that:

- He appreciated the opportunity to serve as the COE's Interim Executive Director.
- He and Ms. Kelley completed municipal training sessions, and they both attended the Ethics Partnership Council at Palm Beach State College in preparation for Ethics Awareness Month in March 2016.
- Intake Manager Gina Levesque and Ms. Kelley planned to attend the Southeast Regional Ethics Poll at St. Petersburg College. On November 19, 2015, he would join the Lee County Charter Committee in Fort Myers, Florida to discuss five amendments to consider for 2016.
- He gave a presentation to the Federation of Boca Raton Homeowners Associations (HOA), which is the federation of all HOAs in that city.

**X. – CONTINUED**

- Ms. Levesque was chosen to join the Palm Beach County All-Hazards Incident Management Team. She would attend two separate training sessions to learn community hurricane preparedness.

**XII. COMMISSION COMMENTS**

Chair Kridel thanked the COE commissioners for helping to move along a challenging task of choosing candidates. He said he especially appreciated the opportunities to advocate for a good candidate.

Commissioner Pierman said that she thanked the HR staff for being very helpful.

**XIII. PUBLIC COMMENTS**

**XIV. ADJOURNMENT**

**At 2:27 p.m., the chair declared the meeting adjourned.**

APPROVED:

  
A handwritten signature in blue ink, appearing to be 'K. Kridel', is written above a horizontal line.

Chair/Vice Chair