

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

**MARCH 3, 2016**

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

**COMMISSION CHAMBERS  
GOVERNMENTAL CENTER**

**I. SWEARING-IN CEREMONY BY JUDGE JEFFREY COLBATH**

**I.A. Sarah L. Shullman**

**I.B. Michael F. Loffredo**

Commission on Ethics (COE) Executive Director Mark Bannon stated that:

- Commissioners Sarah L. Shullman and Michael F. Loffredo were reappointed to the COE and would be sworn in today by the Chief Judge of the 15th Judicial Circuit of Florida, Jeffrey Colbath.
  - Commissioner Shullman was appointed on September 3, 2015, to complete the term of Salesia Smith-Gordon. Three Palm Beach County (County) bar associations reappointed her to serve a full four-year term ending February 29, 2020.
  - Commissioner Loffredo was appointed on March 6, 2014, to complete the term of Daniel Galo. The County Police Chiefs Association reappointed him to serve a full four-year term ending on February 29, 2020.
- All COE appointments were made under the authority of Section 2-255 of the Ethics Ordinance.

**II. CALL TO ORDER**

**III. 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) Executive Director  
Christie E. Kelley, COE Staff Counsel  
Gina A. Levesque, COE Intake Manager

ADMINISTRATIVE STAFF:

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

**IV. INTRODUCTORY REMARKS**

Mark Bannon, COE Executive Director, stated that a quorum existed with all five commissioners present.

**V. NOMINATION AND ELECTION OF CHAIR**

Mr. Bannon stated that the chair and vice chair positions expired in February 2016 and that an election was needed to fill those positions for terms expiring on February 29, 2018. He added that all five commissioners were eligible to serve as chair, that self-nominations were not prohibited under Robert's Rules of Order, and that no second was needed for nominations.

**MOTION to nominate Michael Kridel as Chair. Motion by Michael Loffredo.**

Mr. Bannon requested a roll call vote, with each commissioner announcing assent or opposition.

**MOTION carried 5-0.**

Mr. Bannon announced that Commissioner Kridel was reelected as chair for a two-year term.

**VI. NOMINATION AND ELECTION OF VICE CHAIR**

Chair Kridel requested nominations for the vice chair position.

**MOTION to nominate Clevis Headley as vice chair. Motion by Michael Loffredo.**

Chair Kridel requested a roll call vote, with each commissioner announcing assent or opposition.

**Motion carried 5-0.**

Chair Kridel announced that Commissioner Headley was reelected as vice chair for a two-year term.

**VII. APPROVAL OF MINUTES FROM DECEMBER 4, 2015**

**MOTION to approve the December 4, 2015, minutes as presented. Motion by Judy Pierman, seconded by Clevis Headley, and carried 5-0.**

**VIII. RESOLUTION DISCUSSION**

Chair Kridel read into the record the resolution issued by the Miami-Dade County Commission (Miami-Dade) on Ethics and Public Trust in opposition to the State of Florida (State) House of Representatives Bill 1021 and the State Senate Bill 1220 as follows:

The Miami-Dade Commission on Ethics and Public Trust opposes passage by the Florida Legislature of the current versions of House Bill 1021 and Senate Bill 1220. The current proposals, which eliminate mandatory attorney fee awards in public records lawsuits, will have a negative impact on Florida citizens' access to government records and on government accountability. The Commission believes that attorney fee awards in such cases should be mandatory, but that judges should retain discretion to set the amount of the fee award based on what is reasonable in the circumstances of a particular case. The Commission believes that the Florida Legislature should find a balanced solution which effectively discourages abusive uses of the Public Records Act without adversely affecting the rights of citizens to gain access to public records.

PASSED 4-0 on this 10<sup>th</sup> day of February, 2016.

Signed: Lawrence Schwartz, Chair

## VIII. – CONTINUED

Mr. Bannon asked Chair Kridel to read a second resolution, issued by the City of Jacksonville (Jacksonville) Ethics Commission, in opposition to the State House of Representatives Bill 1021 and the Senate Bill 1220. Chair Kridel read as follows:

The Jacksonville Ethics Commission unanimously opposes the Florida Legislature moving forward on the current versions of House Bill 1021 and Senate Bill 1220. The current proposals, which eliminate mandatory attorney fee awards in public record cases, will have a negative impact on Florida citizens' access to government records and on government accountability. With additional input from local Florida Ethics Commissions and citizen groups, a more balanced solution can be achieved that can effectively decrease abuses of the law without adversely affecting citizen rights.

Unanimously passed 9-0.

Mr. Bannon stated that:

- The State law issue under discussion involved attorney fees, where public records were shown to be violated, and judges deciding on any fee awards made.
- He believed that a primary purpose of the judiciary was to make such determinations.
- The Town of Gulf Stream (Gulf Stream), which was adversely affected by the current law allowing mandatory fee awards in public records lawsuits, was situated within Palm Beach County's (County) jurisdiction.
- Gulf Stream deserved support.
- The County League of Cities showed interest in the pending resolutions, while the County's Legislative Delegation supported the House and Senate bills.

## VIII. – CONTINUED

- He recommended that the COE take no action at this time.

Commissioner Shullman stated that:

- The statute allowed fee awards only when agencies unlawfully refused to permit public records searches. Judges determined whether a refusal occurred, and whether it was unlawful.
- Jacksonville's staff analysis cited one case of extreme abuse of the system. Abuses likely existed in Gulf Stream and among parties who used the public records statute in moneymaking enterprises.
- Her concern was that where there was unlawful refusal, judges retained the discretion to award fees. Public records laws should be reinforced through mandatory fee awards.
- She questioned whether this COE could appropriately comment on the proposed bills.
- The House and Senate versions of the bill differed in wording and meaning. The overarching issue appeared to be access to records and public servants' accountability as measured by mandatory fee awards.

Commissioner Judy Pierman said that she favored taking no action on this item.

Vice Chair Headley said that he agreed that no action should be taken by this COE on a State issue.

Commissioner Michael Loffredo said that this COE should not become involved.

Chair Kridel stated that no motion was required to endorse the bills.

Mr. Bannon clarified that:

- The Jacksonville COE executive director, Carla Miller, contacted Miami-Dade and the County COEs concerning the proposed legislation.

## VIII. – CONTINUED

- Ms. Miller presented her concerns to the Jacksonville COE members last month. The Miami-Dade COE executive director decided to share the same with its commissioners.
- The COE board members could vote on whether to prepare a resolution, to merely take a position of supporting or opposing the pending bills, or to just allow discussion to die on the dais.

**MOTION to issue a comment concerning the elimination of mandatory fee awards without other protections in place. Motion by Sarah Shullman.**

**MOTION DIED FOR LACK OF A SECOND.**

## IX. PRESENTATION OF NEW COE LOGO

Mr. Bannon stated that the new logo featuring the shape of the county inside a circle was designed by COE Intake Manager Gina Levesque to represent the COE's multi-faceted presence countywide.

## X. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

### X.A. RQO 16-004

Mr. Bannon stated that Criminal Justice Commission Executive Director Kristina Henson was present to answer any questions concerning the item.

**MOTION to approve RQO 16-004. Motion by Clevis Headley, seconded by Michael Loffredo, and carried 5-0.**

## XI. ITEMS PULLED FROM CONSENT AGENDA – None

## XII. EXECUTIVE DIRECTOR COMMENTS

Mr. Bannon stated that:

- A search for a new staff investigator was initiated, since Anthony Bennett was promoted to senior investigator.
  - Approximately 30 applications were received.

## **XII. – CONTINUED**

- Three finalists were chosen based on reviews of writing samples and interviews.
- A hiring announcement would be made soon.
- The COE staff planned to attend municipal gatherings to improve visibility and to exchange information with local officials.
- An Ethics Awareness Month (ethics month) event was handled by COE Staff Counsel Christie E. Kelley.

Ms. Kelley stated that:

- The Center for Applied Ethics (CAE) at Palm Beach State College (PBSC), Lake Worth Campus, was hosting a March 28, 2016, ethics event at its safety conference center from 1:30 p.m. to 3:00 p.m. Details were being finalized.
- State Attorney David Aronberg was keynote speaker.
- An assembled ethics panel was composed of Mr. Bannon, the CAE director, and Inspector General (IG) John Carey.

## **XIII. COMMISSION COMMENTS**

### **XIII.A. DISCUSSED: Appreciation.**

Commissioner Shullman extended thanks to the County Bar Association, the F. Malcolm Cunningham, Sr. Bar Association, and the Hispanic Bar Association, for her reappointment to a four-year term on the COE following Salesia Smith-Gordon's departure.

### **XIII.B. DISCUSSED: Congratulations.**

Commissioner Pierman offered thanks to the three local bar associations for the reappointment of Commissioner Shullman; and congratulations to Chair Kridel and Vice Chair Headley on their reelections, and to Mr. Loffredo on his reappointment.

**XIII.C. DISCUSSED:** Appreciation.

Commissioner Loffredo expressed thanks to the County Police Chiefs Association for his reappointment, and congratulated the other commissioners.

**XIII.D. DISCUSSED:** Commission Quality.

Chair Kridel commented that the COE's quality and effectiveness levels increased during the previous two-and-a-half years as a result of community outreach and education, plus traction from the IG's office.

**XIII.E. DISCUSSED:** Facebook.

Ms. Levesque commented that Ms. Kelley created a mascot, "Leon the Leprechaun," to answer questions via the COE's Facebook and Twitter pages during ethics month.

**XIV. PUBLIC COMMENTS – None**

**XV. ADJOURNMENT**

**At 2:13 p.m., the chair declared the meeting adjourned.**

APPROVED:



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Chair/Vice Chair