

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

APRIL 7, 2016

**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) Executive Director
Anthony C. Bennett, COE Chief Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

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

III. INTRODUCTORY REMARKS

Chair Michael Kridel invited Mark Bannon, COE Executive Director, to introduce new COE Investigator Abigail Irizarry.

III. – CONTINUED

Mr. Bannon said that Ms. Irizarry's work experience included the Better Business Bureau, the Lee County Department of Children and Families (DCF) as lead investigator, and the DCF Office of Inspector General, where she became a Certified Inspector General Investigator and was named Inspector General Investigator Star of the Year.

Mr. Bannon announced additional staff title changes:

- The COE Intake Manager Gina Levesque completed compliance training and was now known as Intake and Compliance Manager.
- Christie E. Kelley, COE Staff Counsel, was now COE General Counsel.
- Anthony C. Bennett, COE Senior Investigator, was now COE Chief Investigator.

IV. APPROVAL OF MINUTES FROM FEBRUARY 3, 2016

MOTION to approve the February 3, 2016, minutes as presented. Motion by Clevis Headley, seconded by Judy Pierman, and carried 5-0.

V. APPROVAL OF MINUTES FROM MARCH 3, 2016

MOTION to approve the February 3, 2016, minutes as presented. Motion by Michael Loffredo, seconded by Clevis Headley, and carried 5-0.

VI. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

- a. Request for Opinion (RQO) 16-005
- b. Request for Opinion (RQO) 16-006
- c. Request for Opinion (RQO) 16-007
- d. Request for Opinion (RQO) 16-008
- e. Request for Opinion (RQO) 16-009
- f. Request for Opinion (RQO) 16-010

VI. – CONTINUED

MOTION to approve RQOs 16-005, 16-006, 16-007, 16-008, 16-009, and 16-010 as published. Motion by Clevis Headley, seconded by Judy Pierman, and carried 5-0.

VII. ITEMS PULLED FROM CONSENT AGENDA – None

RECESS

At 1:35 p.m., the chair declared the meeting recessed for an executive session.

VIII. EXECUTIVE SESSION

- a. C15-012**
- b. C15-021**

RECONVENE

At 4:10 p.m., the meeting reconvened with Chair Kridel, Vice Chair Headley, Commissioner Loffredo, Commissioner Pierman, and Commissioner Shullman present.

IX. PUBLICATION OF FINDING C15-012

Vice Chair Headley read the following Public Report Finding No Probable Cause and Order of Dismissal that was discussed during the executive session:

Complainant, Steven P. Cullen, former Executive Director, Palm Beach County Commission on Ethics (COE), filed the above-referenced Complaint on April 16, 2015, alleging that Respondent, Alberta McCarthy, an independent contractor for International Enterprise Development, Inc., violated Section 2-444(a)(2) and Section 2-444(d) of the Palm Beach County Code of Ethics by giving a gift valued at more than \$100 to an official of the City of Delray Beach.

IX. – CONTINUED

Pursuant to Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 7, 2016, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, Legal Sufficiency Determination and Report of Investigation. After oral statements by the Advocate and Respondent, the Commission concluded no probable cause exists to believe any violation occurred.

Therefore it is:

ORDERED and ADJUDGED that the Complaint against Respondent, Alberta McCarthy, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 7, 2016.

By: Michael S. Kridel, Chair

(CLERK’S NOTE: The clerk added the language as printed in the Public Report Finding No Probable Cause and Order of Dismissal.)

X. PUBLICATION OF FINDING C15-021

Vice Chair Headley read the following Public Report Finding No Probable Cause and Order of Dismissal that was discussed during the executive session:

Complainant, J. Mark Dougan, filed the above-referenced Complaint on September 23, 2015, alleging that Respondent, Elliot Cohen, City of West Palm Beach Communications Director, violated Section 2-433(d) and Section 2-444(d) of the Palm Beach County Code of Ethics by entering into a prohibited contractual relationship with a vendor of the City of West Palm Beach.

X. – CONTINUED

Pursuant to Section 2-258(a) of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On April 7, 2016, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, Report of Investigation, and Probable Cause Determination. After oral statements by the Advocate and Respondent, the Commission concluded no probable cause exists to believe any violation occurred.

Therefore it is:

ORDERED and ADJUDGED that the Complaint against Respondent, Elliot Cohen, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on April 7, 2016.

By: Michael S. Kridel, Chair

(CLERK’S NOTE: The clerk added the language as printed in the Public Report Finding No Probable Cause and Order of Dismissal.)

XI. EXECUTIVE DIRECTOR COMMENTS

Executive Director Bannon stated that:

- He extended thanks to Commissioners Pierman and Loffredo for attending the successful March 28, 2016, Ethics Awareness Event, and to State Attorney David Aronberg, who was the keynote speaker.
- The COE staff members attended March and April 2016 municipal council meetings as community outreach, at the cities of Greenacres and Boynton Beach, the towns of Hypoluxo, Jupiter, and Juno, and the Village of North Palm Beach. Upcoming visits were set for the City of Palm Beach Gardens, the towns of Palm Beach, Palm Beach Shores, and Loxahatchee Groves, and the villages of Tequesta and Royal Palm Beach.

XI. – CONTINUED

- He planned for staff to attend at least one municipal meeting of all the municipalities each year as ongoing community outreach.

XII. COMMISSION COMMENTS

XII.a. Chair Kridel stated that:

- The questions and concerns that commissioners expressed in today's executive session vetted the issues more completely and successfully than in previous sessions.
- The COE was complimented last year by an attorney who shared his impression that a really good job was done in the executive session.
- A welcome was extended on behalf of the entire COE to the new investigator, Ms. Irizarry.

XII.b. Commissioner Pierman stated that:

- She and Commissioner Loffredo felt proud of Mr. Bannon's representation of the COE when they attended the March 28, 2016, Ethics Awareness Event.
- Community outreach and establishing the COE's presence in the municipalities were important to continue public education about ethics in the County.

XII.c. Commissioner Shullman stated that:

- She extended her appreciation to COE's staff and chief investigator for their reports following months of investigation ahead of the executive sessions.
- She concurred with Chair Kridel that great amounts of thoughtful analysis by the commissioners went into today's executive session decisions.

XIII. PUBLIC COMMENTS – None

XIV. ADJOURNMENT

At 4:18 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair