

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

JANUARY 19, 2021

**TUESDAY
10:00 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER**
- II. ROLL CALL – None**

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Mark A. Higgs, COE Investigator
Abigail Irizarry, COE Investigator I
Christie E. Kelley, Esq., COE General Counsel
Gina A. Levesque, COE Intake and Compliance Manager

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk & Comptroller's Office

III. INTRODUCTORY REMARKS

Hearing Officer Thomas Dougherty stated that he would preside over today's meeting, and he requested that the parties announce themselves.

IV. C19-006 FINAL HEARING

Advocate John Cleary said that the parties reached an agreement on C19-006, In Re: David DeMarois, and he proffered the following Negotiated Settlement Agreement:

Pursuant to Section 2-260(d) of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics (COE) *may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of the county.* Commission on Ethics Rules of Procedure 6.16 permits the COE Advocate to enter into settlement negotiations and present Negotiated agreements to the Magistrate for the COE for consideration and approval.

Advocate and Respondent do hereby submit the following settlement agreement in the above captioned matter based upon the following terms and conditions:

1. Respondent, David DeMarois, believes it to be in his best interest to avoid the expense and time of litigation in this matter and desires to resolve the issues contained in the Advocate's probable cause recommendation. Accordingly, Respondent admits a violation of §2-443(b), *Corrupt misuse of official position*, of the Palm Beach County Code of Ethics occurred.
2. Pursuant to this Negotiated Settlement Agreement, the Respondent agrees to accept a Letter of Reprimand and pay a fine in the amount of \$100 as prescribed under §2-448(b) of the Palm Beach County Code of Ethics.
3. Respondent understands and agrees to the finding required pursuant to section 2-260.1(g) of the Commission on Ethics Ordinance that his actions were intentional.
4. This Negotiated Settlement Agreement embodies the entire agreement of the parties respecting the subject matter herein. There are no promises, terms, conditions or obligations other than those contained in this Negotiated Settlement Agreement.
5. This Negotiated Settlement Agreement supersedes any and all previous communications, representations, and offers, either verbal or written, between the Advocate and Respondent. By signing this document, Respondent acknowledges that he is doing so freely, voluntarily and without duress; that he is competent to enter this agreement; that he has been given the opportunity to review this Negotiated Settlement Agreement with an attorney; and that he has fully and completely read and understands the terms and conditions herein.
6. Advocate and Respondent agree that settlement of his action in the manner described above is just and in the best interest of the Respondent and the citizens of Palm Beach County.
7. Evidence of this offer of compromise and settlement is inadmissible to prove any of the allegations alleged.

8. Respondent understands and agrees that **NO OFFER IS FINAL UNTIL ACCEPTED BY THE MAGISTRATE FOR THE COMMISSION ON ETHICS.**

(CLERK'S NOTE: The clerk added the language as printed in the Negotiated Settlement Agreement.)

Mr. Cleary stated that he, Ronald Lantz, Respondent's Attorney, and Respondent David DeMarois signed the Negotiated Settlement Agreement and that doing so was in the best interest of David DeMarois and county citizens.

Mr. Lantz said that:

- He and Mr. DeMarois reviewed the Negotiated Settlement Agreement.
- Mr. DeMarois acknowledged and admitted to the allegations contained in the Negotiated Settlement Agreement and that he agreed with its terms.

Hearing Officer Dougherty said that he would accept the Negotiated Settlement Agreement based on its language, and he would issue a Letter of Reprimand and an order for the fine to be entered.

V. ADJOURNMENT

At 10:05 a.m., Hearing Officer Dougherty adjourned the meeting.