

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

SEPTEMBER 2, 2021

**THURSDAY
1:31 P.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

Peter L. Cruise, Chair
Michael S. Kridel, Vice Chair
Carol E. A. DeGraffenreidt
Michael H. Kugler
Rodney G. Romano

STAFF:

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

ADMINISTRATIVE STAFF:

Marisa Valentin, Deputy Clerk, Clerk of the Circuit Court & Comptroller's Office

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM AUGUST 5, 2021

MOTION to approve the August 5, 2021 minutes. Motion by Carol DeGraffenreidt, seconded by Michael Kridel, and carried 5-0.

Chair Cruise stated that there were public commenters present to speak on items scheduled for the executive session and suggested taking public comment ahead of schedule.

MOTION to reorder the agenda. Motion by Carol DeGraffenreidt, seconded by Michael Kridel, and carried 5-0.

(CLERK'S NOTE: Item X was taken up at this time.)

X. PUBLIC COMMENTS

DISCUSSED: Executive Session – C21-006

Michelle DePotter, stated that no violations of the County's procurement processes were committed and all proper procedures were followed.

V. REVIEW OF EXECUTIVE DIRECTOR HIRING PROCESS

Discussion ensued and the following points were made:

- Courtesy copies of the job posting should be sent to the various state Voluntary Bar Associations encouraging applicant diversity.
- The salary range had not increased since 2015, and a raise was recommended.
- The minimum required experience increased from 5 to 7 years.
- Wednesday September 8, 2021 was the deadline to submit any requested changes to the job description.

RECESS

At 2:10 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 3:55 p.m., the meeting reconvened, and at Chair Cruise's request for a roll call, Commissioners DeGraffenreidt, Kridel, Kugler, and Romano were present.

VI. EXECUTIVE SESSION

VI.a – C21-006

Vice Chair Kridel read the following Public Report and Final Order of Dismissal:

COMPLAINANT, Adam E. Linkhorst, Esquire, filed a COMPLAINT on April 19, 2021, alleging possible ethics violations involving RESPONDENTS, Mack Bernard, Verdenia Baker, Isami Ayala -Collazo, and Tonya Johnson.

Palm Beach County Commission on Ethics (COE) staff investigated this matter and prepared a memorandum finding no legal sufficiency. Under Rule of Procedure 4.2(d), the General Counsel determined that the complaint was legally insufficient and all supporting documents was forwarded to the COE on July 26, 2021. The COE directed the Executive Director to submit the complaint for review in executive session at the next regularly scheduled meeting. On September 2, 2021, the General Counsel presented the findings of the complaint and the COE accepted the recommendation to dismiss the complaint due to NO LEGAL SUFFICIENCY, and that the allegations were unfounded.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT filed against RESPONDENTS, Mack Bernard, Verdenia Baker, Isami Ayala-Collazo, and Tonya Johnson, is **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics on September 2, 2021.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

VI.b – C21-003

Vice Chair Kridel read the following Public Report and Final Order

Complainant, Mark E. Bannon, Executive Director, Palm Beach County Commission on Ethics, filed the above referenced complaint on February 26, 2021, alleging Respondent, Felisia Hill, a city commissioner for the city of Pahokee, violated Section 2-444(a)(l), *Gift law*, by soliciting and accepting a gift with a value over \$100 in the aggregate for the calendar year from a vendor of the city of Pahokee.

Pursuant to §2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics. On September 2, 2021, Respondent stipulated to Probable Cause, and Respondent and Advocate submitted a Negotiated Settlement including a Letter of Reprimand and fine of \$500 to the COE for approval. Respondent stipulates to the facts and circumstances as contained in the Letter of Reprimand.

According to the Negotiated Settlement and based on the facts as set forth in the Letter of Reprimand, Respondent admits to violating §2-444(a)(l) of the Palm Beach County Code of Ethics. Respondent agrees to accept a Letter of Reprimand and to pay a total of five hundred (\$500) dollars in fines.

Pursuant to Commission on Ethics Ordinance §2-260 .1, *Public hearing procedures*, the Commission finds that the violation was intentional and that Respondent has expressed understanding and regret for her actions. The Commission assesses a total fine of five hundred (\$500) dollars and issued a LETTER OF REPRIMAND.

Therefore it is:

ORDERED AND ADJUDGED this matter is concluded upon the issuance of a LETTER OF REPRIMAND and payment of a five hundred (\$500) dollar fine.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in executive session on this 2nd day of September, 2021.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

a. RQO 21-012

b. RQO 21-013

MOTION to approve the consent agenda. Motion by Rodney Romano, seconded by Michael Kugler, and carried 5-0.

VIII. EXECUTIVE DIRECTOR COMMENTS - None

IX. COMMISSION COMMENTS - None

ADDITIONAL PUBLIC COMMENT

DISCUSSED: Executive Session Item C21-006

Adam Linkhorst stated that he wanted to ensure that the initial complaint and all supplementary documentation was considered during the executive session.

Vice Chair Kridel confirmed that it was.

XI. ADJOURNMENT

At 2:40 p.m., the chair declared the meeting adjourned.

APPROVED:



Chair/Vice Chair