

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

OCTOBER 7, 2021

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

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS:

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

STAFF:

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

ADMINISTRATIVE STAFF:

Julie Burns, Deputy Clerk, Clerk of the Circuit Court & Comptroller's Office

III. INTRODUCTORY REMARKS – None

IV. APPROVAL OF MINUTES FROM SEPTEMBER 2, 2021

MOTION to approve the September 2, 2021 minutes. Motion by Michael Kugler, seconded by Rodney Romano, and carried 3-0. Michael Kridel and Carol DeGraffenreidt absent.

V. EXECUTIVE DIRECTOR APPLICANT UPDATE AND PROCEDURE DISCUSSION

Leilani Yan, Manager of Recruitment and Selection, said that:

- The executive director position was posted in several nationwide, state, and local sources.
- 17 applications were received, and they would be emailed to the COE for review.
 - The applications were separated into those that appeared to meet the posted minimum qualifications and then the remaining applications.
- Most of the applicants did not attach their professional conduct questionnaire, and they were asked to submit them by the close of business on October 8, 2021.
- A review goal would be to provide her with a list of each commissioner's top group between now and possibly Wednesday, October 13, 2021.
 - She would create a frequency table of how many times an applicant's name was mentioned in the top group.

Responding to COE questions, Ms. Yan said that:

- The current job market saw more openings than qualified individuals, but the COE could discuss applicants who received COE votes that needed further vetting.
- The names of applicants on the shortlist would be made public, but home phone numbers, addresses, and family dependent information would be redacted.
- Candidates were previously referred to by name in working with the initial identification provided in the frequency table.
- One of the qualifications in the advertisement included being a member in good standing with the Florida Bar

Ms. Yan continued her presentation by stating that:

- The applicants were reminded that it would be a public process.
- Once the shortlist was identified at the next COE meeting, the goal would be to identify an interview date.

- Human Resources (HR) would obtain a release from the shortlisted candidates to conduct a background check.
- After the October 18, 2021 CE meeting, HR would solicit two-to-three interview questions from the COE.

BOARD DIRECTION:

Chair Peter Cruise requested that HR provide a list of questions that were asked during the last executive director interview process.

Ms. Yan said that she would also provide the written exercise process that was previously used.

Responding to a COE question, Ms. Yan explained that the written exercise involved using a personal computer to provide written replies or responses to questions.

Ms. Yan said that after the October 18, 2021 meeting, she would also provide the COE with a draft of interview procedures.

Mark Bannon, COE Executive Director, requested that Ms. Yan remind the COE not to click "respond to all" after the information was emailed to them.

RECESS

At 1:46 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 3:11 p.m., the meeting reconvened with Chair Cruise and Commissioners Kugler and Romano present

VI. EXECUTIVE SESSIONS

a. C21-001

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

Randall Graham filed the above-referenced complaint on December 22, 2020 against Respondent, Wendy Tippett, an employee of Palm Beach County, alleging that Respondent violated Section 2-445, *Anti-Nepotism*, of the Palm Beach County Code of Ethics, by hiring her nephew or advocating for his employment within the division over which she is the director.

Pursuant to §2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On October 7, 2021, the Commission conducted a hearing and reviewed the Report of Investigation and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance after determining that the violation was unintentional, inadvertent, or insubstantial because Respondent had sought advice from her supervisor and relied on incorrect information from them.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Wendy tippet, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on October 7, 2021.

By: Peter L. Cruise, Chair

b. C21-002

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

Complainant, Nikasha Wells, filed the above referenced complaint on February 9, 2021, alleging Respondent, Clinton Forbes, violated several sections of the Code, including Section 2-443(a), *Misuse of public office or employment*, Section 2-443(b), *Corrupt misuse of official position*, and Section 2-443(g) *Gift law*, of the Palm Beach County Code of Ethics.

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 October 7, 2021, the Commission conducted a hearing and reviewed the Report of Investigation and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and Respondent, The Commission concluded that probable cause does not exist because the evidence revealed during the investigation did not support any of the allegations.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Clinton Forbes, is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on October 7, 2021.

By: Peter L. Cruise, Chair

VII. PROCESSED ADVISORY OPINIONS (CONSENT AGENDA)

a. RQO 21-014

MOTION to approve the consent agenda. Motion by Michael Kugler, seconded by Rodney Romano, and carried 3-0. Michael Kridel and Carol DeGraffenreidt absent.

VIII. ITEMS PULLED FROM THE CONSENT AGENDA – None

IX. PROPOSED ADVISORY OPINIONS

a. RQO 2-015

Mr. Bannon stated that the agenda was misprinted, and the proposed advisory opinion was RQO 21-015.

Christie Kelley, COE General Counsel, provided a presentation on the proposed advisory opinion as detailed in the agenda backup materials.

MOTION to approve advisory opinion letter RQO 21-015. Motion by Michael Kugler, seconded by Rodney Romano, carried 3-0. Michael Kridel and Carol DeGraffenreidt absent.

X. EXECUTIVE DIRECTOR COMMENTS

a.

DISCUSSED: C18-008.

Mr. Bannon said that case C18-008 involving Lynne Hubbard was restarted with the appointment of hearing officer, Earl Malloy. He said that a status check and scheduling hearing would be conducted on Tuesday, October 12, 2021, at 3:00 p.m., and there was a current motion to dismiss by the respondent.

XI. COMMISSION COMMENTS

a.

DISCUSSED: Commendation.

Mr. Kugler said that excellent work was performed on all the documents that were reviewed by the COE.

XII. PUBLIC COMMENTS – None

IX. ADJOURNMENT

At 3:23 p.m., the chair declared the meeting adjourned.

APPROVED:

A handwritten signature in cursive script, appearing to read "Peter H. Gause". The signature is written in black ink and is positioned above a horizontal line.

Chair/Vice Chair