

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
FINAL HEARING
PALM BEACH COUNTY, FLORIDA
JANUARY 25, 2023**

**WEDNESDAY
9:00 A.M.**

**COMMISSION CHAMBERS
WEISMAN GOVERNMENTAL CENTER**

COUNTY STAFF PRESENT:

Flynn Bertisch, COE Advocate
Rhonda Giger, COE General Counsel
Mark A. Higgs, COE Investigator II
Abigail Irizarry, COE Investigator II
Christie Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:
Danielle Freeman, Deputy Clerk

ALSO PRESENT:

Lynne Hubbard, Respondent
Earl Mallory, Hearing Officer
Gwendolyn Tuggle, Counsel for the Respondent

Mr. Mallory began the hearing at 9:34 a.m.

Mr. Mallory asked counsel to introduce themselves.

Ms. Tuggle, counsel for the respondent, and Mr. Bertisch, COE advocate, delivered opening remarks regarding Case No. C18-008 against respondent Lynne Hubbard.

Mr. Bertisch asked permission to give a brief rebuttal regarding Ms. Tuggle's remarks.

Mr. Mallory granted the rebuttal.

Mr. Mallory asked if the defense was ready to call their first witness.

Mr. Bertisch called Anthony Bennett.

Mr. Mallory swore in Mr. Bennett.

Mr. Bertisch led the direct examination.

Ms. Tuggle conducted a cross-examination.

Ms. Tuggle requested to play the audio recording of Ms. Eureka Irvin's testimony.

Mr. Bertisch cross-examined Mr. Bennett and displayed exhibits.

Ms. Tuggle conducted a recross-examination.

The defense rested.

Mr. Mallory asked counsel if Mr. Bennett could be excused, and counsel agreed.

RECESS

At 11:05 a.m., the hearing officer declared the hearing recessed.

RECONVENE

At 11:21 a.m., the hearing reconvened with all parties present.

Mr. Mallory stated that the next witness would be called, and cross-examination conducted, after which the hearing would recess for a one-hour lunch break.

Mr. Mallory asked Mr. Bertisch to call his next witness.

Mr. Mallory swore in Valerie Grimsley.

Mr. Bertisch conducted the direct examination.

Ms. Tuggle conducted the cross-examination.

Ms. Tuggle requested to play a portion of the audio recording of Ms. Grimsley's testimony.

Mr. Bertisch conducted a recross-examination.

Ms. Tuggle conducted a redirect examination.

No further questions were asked, and Mr. Mallory excused Ms. Grimsley.

RECESS

At 12:39 p.m., the hearing declared the meeting recessed.

RECONVENE

At 1:48 p.m., the hearing reconvened with all parties present.

Mr. Mallory called for the next witness and swore in Ms. Eureka Irvin.

Mr. Bertisch conducted a direct examination.

Ms. Tuggle conducted a cross-examination.

Mr. Bertisch conducted a redirect examination.

Ms. Tuggle conducted a recross-examination.

Mr. Bertisch called Karen Hoskins as the next witness.

Mr. Mallory swore in Ms. Karen Hoskins.

Mr. Bertisch conducted a direct examination.

Ms. Tuggle conducted a cross-examination.

Ms. Bertisch conducted a redirect examination.

Ms. Levesque requested a few moments to prepare for the next witness, who was appearing via Webex.

At 3:06 p.m., Mr. Mallory stated that the hearing was off the record.

At 3:22 p.m., the hearing resumed.

Mr. Mallory swore in Willie Horton.

Mr. Bertisch conducted a direct examination.

Ms. Tuggle conducted a cross-examination.

A question of evidentiary procedure was discussed.

Ms. Levesque requested a five-minute recess.

RECESS

At 3:50 p.m., the hearing officer declared the meeting recessed.

RECONVENE

At 3:55 p.m., the hearing reconvened with all parties present.

The discussion regarding evidentiary procedures continued.

Ms. Tuggle continued cross-examination.

Mr. Horton was excused.

The COE rested.

Ms. Tuggle requested to move for a direct verdict and entered a copy of *Blackburn v. State Commission on Ethics* to present her argument. She noted that the COE advocate had a copy.

Mr. Mallory stated that the pagination on his copy was different and requested guidance regarding the pages that were being referenced.

Mr. Bertisch stated that the case against Lynne Hubbard pertained to a specific statute.

At Mr. Mallory's request, Ms. Levesque provided him with a copy of the statute.

Mr. Bertisch and Ms. Tuggle provided their rebuttals.

Mr. Mallory delivered his verdict that Ms. Hubbard was not guilty because the County had not met the burden of proof.

The hearing officer declared the hearing adjourned, then went back on the record to inquire if counsel wanted to submit the exhibits that had not been entered during the hearing.

Both parties agreed to do so.

At 4:52 p.m., the hearing officer declared the hearing adjourned.