

**OFFICIAL MEETING MINUTES
OF THE
PALM BEACH COUNTY COMMISSION ON ETHICS (COE)
MOTION TO DISMISS AND LETTER OF INSTRUCTION HEARING
PALM BEACH COUNTY, FLORIDA**

MAY 15, 2024

**WEDNESDAY
3:00 P.M.**

WEBEX TELECONFERENCE

**In Re: Robert Shorr
Case No. C22-004**

COUNTY STAFF PRESENT:

Christie E. Kelley, COE Director III
Gina A. Levesque, COE Intake and Compliance Manager

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S OFFICE STAFF PRESENT:

Jillian Zalewska, Deputy Clerk

ALSO PRESENT:

Elizabeth R. Clark, Esquire, Hearing Officer
Flynn Bertisch, COE Advocate
David Markarian, Attorney for Respondent
Robert Shorr, Respondent

Ms. Clark called the hearing to order at 3:04 p.m.

The attendees stated their appearances for the record.

Ms. Clark asked Mr. Bertisch if he had any comments.

Mr. Bertisch stated that he stood by the motion to dismiss. He also said that Mr. Markarian had worked with the COE to draft the letter of instruction.

Mr. Markarian said that he had been prepared to take discovery and that he and Mr. Shorr had not been consulted regarding the filing of the motion to dismiss. He also stated that he had consulted with the COE general counsel to draft the language in the letter and that Mr. Shorr had requested a change to part of a sentence. He asked that Mr. Shorr be permitted to address the hearing officer.

Ms. Clark inquired about the requested change, and Mr. Markarian responded that Mr. Shorr had asked to revise part of a sentence in the "Facts" section of the letter of instruction.

Ms. Clark noted that she believed the requested revision was consistent with the facts outlined in the motion to dismiss.

Mr. Markarian suggested that language from paragraph 9 of Mr. Bertisch's motion could be utilized in the revision of the letter of instruction.

Ms. Clark asked if Mr. Shorr had been correctly described in the letter of instruction as the former mayor, and Mr. Markarian confirmed that the title was correct.

Ms. Clark invited Mr. Shorr to make a statement.

Mr. Shorr provided information to support his request that Ms. Clark dismiss the case without requiring a letter of instruction.

Ms. Clark asked Mr. Shorr to explain why he believed that his actions did not violate the Code of Ethics, and Mr. Shorr responded that there was no evidence of corrupt intent.

Ms. Clark inquired about the allegation that Mr. Shorr's actions had benefited his political allies, and Mr. Shorr explained that he had utilized the public gas tax map to determine the scope of work regarding the paving of roads. In response to a question posed by Ms. Clark, he stated that no areas were paved beyond what appeared on the map.

Ms. Clark asked if the attendees wished to make any comments.

Mr. Bertisch noted that Mr. Shorr was providing a defense, which was not the object of the hearing.

Ms. Clark said that it was difficult for her to make a determination based on the facts presented.

Mr. Bertisch clarified the allegations and explained the rationale for issuing the motion to dismiss and the letter of instruction.

Ms. Clark stated that under Section 2-260.3, a complaint could be dismissed if the violation was inadvertent, unintentional, or insubstantial. She expressed concern that the facts as presented did not support a dismissal under the requirements established in Section 2-260.3.

Mr. Markarian explained that there had been difficulties in scheduling discovery. He stated that he had considered the motion to dismiss and letter of instruction as an opportunity to bring closure to the proceedings. He also stated that if the matter could not be resolved at the current hearing, it would be necessary to expand the time frame to allow for discovery.

Ms. Clark expressed concern that the motion to dismiss might not be consistent with the application of the law, which required that the alleged violation be unintentional or insubstantial.

Mr. Markarian responded that Ms. Clark did not have access to the respondent's case because depositions had not yet taken place. He proposed that the parties work together to reach an acceptable resolution.

Ms. Clark stated that she did not have knowledge of the details of the case. She suggested that the parties work collaboratively to address the issues and then appear before her again.

Mr. Bertisch explained that the violation was considered insubstantial because it did not result in any additional cost to the town.

Ms. Clark inquired about the ethical violation and the allegation that certain individuals had benefited from Mr. Shorr's actions.

Discussion continued regarding the case, and the parties agreed to confer and schedule a time to appear before Ms. Clark. The attendees discussed the schedule.

Ms. Clark stated that the hearing would take place on Monday, May 20, 2024, at 4:00 p.m.

At 3:46 p.m., Ms. Clark declared the hearing adjourned.