



# PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

Hotline: 877-766-5920 or 561-233-0724

## COMPLAINT FORM

### 1. Complainant (Person bringing Complaint) *Add pages, if necessary.*

Name: Alan S. Johnson, Executive Director - PBC Commission on Ethics

Address: 2633 Vista Parkway

City: West Palm Beach Zip: 33411

Telephone #: 561-233-0724

### 2. Respondent (Person against whom complaint is made) *Add pages, if necessary.*

Name: Rafael Abadia, PBC HIV/AIDS CARE Council (Advisory Board)

Address: 810 Datura Street

City: West Palm Beach Zip: 33401

Home #: \_\_\_\_\_ Work #: 561-844-4220 Cell #: \_\_\_\_\_

Title/Office Held or Sought: Peer Mentor

### 3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

Allegation is against person in  
 County/Municipal Government

Allegation is about County:  
 Whistleblower Retaliation

### 4. STATEMENT OF FACTS ATTACHED

- Exhibit 1 - Memorandum of Inquiry
- Exhibit 2 - Memorandum of Legal Sufficiency
- Exhibit 3 - Supporting Documentation

### 5. OATH and NOTARY

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Personally known to me and appeared before me, Alan S. Johnson whose signature appears below, being duly sworn, says that the allegations set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which if true would constitute the offenses alleged and that this complaint is instituted in good faith. Signed and sworn to on this 14th day of August, 2012.

Alan S. Johnson



**GINA LEVESQUE**  
MY COMMISSION # EE 207356  
EXPIRES: July 17, 2016  
Bonded Thru Budget Notary Services

(Signature of Notary Public, State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

PALM BEACH COUNTY COMMISSION ON ETHICS  
**MEMORANDUM OF INQUIRY**

To: Alan S. Johnson, Executive Director  
From: Mark E. Bannon, Investigator  
Re: AN 12-009 – Mary Kannel, Rafael Abadia, PBC HIV/AIDS CARE Council (Advisory Board)

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- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff through an anonymous email dated April 23, 2012, sent to the Commission on Ethics (COE). The email stated that the Chairperson of the Palm Beach County HIV/AIDS CARE Council (the CARE Council), Mary Kannel, and the Chairperson of one of its committees, Rafael Abadia (Priorities and Allocations Committee), had improperly voted on an issue for which they or their outside employer financially benefitted.

The CARE Council is a Palm Beach County advisory committee made up of volunteers. Their membership is drawn from three (3) areas of Palm Beach County residents; members of the local community who want to be involved in HIV/AIDS treatment and prevention, the HIV/AIDS Population, defined as persons within the local community affected by the Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS), (specifically consisting of persons who are afflicted themselves, or who have close family members that are afflicted), and local health service providers that work in the HIV/AIDS area. The CARE Council is responsible to “plan, develop, monitor, evaluate and advocate for a medical and support services system for individuals and families affected by HIV/AIDS.”<sup>1</sup> In this mission, they are responsible for the general allocation of funding for local health care services; specifically from the Ryan White CARE Act, a grant funding source for persons who are HIV positive, or have contracted AIDS. The Palm Beach County Board of County Commissioners (BCC) is the recipient organization for this grant. As an advisory committee, the CARE Council presents its budget recommendations as to general service areas to the BCC, who, with input from county staff, then make the final decision on the allocation of all grant funding for these HIV/AIDS services. Sonja Holbrook is a county employee and the Program Manager for the CARE Council as well as the Ryan White CARE Act grant. She works in the Palm Beach County Community Services Division, and acts as staff liaison to the CARE Council. According to Holbrook, the Peer Mentoring Program is designed to bring together a network of HIV/AIDS affected individuals and family members with service providers, and to assist others in navigating this often confusing support system involving health and other service providers for HIV/AIDS patients.

In the email to the COE, the anonymous writer stated that both Mary Kannel and Rafael Abadia were strong proponents of a newly established “Peer Mentoring Program,” and that both voted to recommend funding of this specific program. The email went on to allege that Mary Kannel works for the PBC Health Department, one of the entities that eventually applied for and received some of the Peer Mentoring Program funding. Further, that after the vote to fund this program was taken by the CARE Council, Rafael Abadia was hired by the PBC Health Department to work in this program.

- **Inquiry**

In my initial research into the CARE Council, I obtained background information from their website ([www.carecouncil.org](http://www.carecouncil.org)) in order to obtain a basic knowledge of the organization and its purpose. Included in this website were the organizational bylaws, the program’s policy and procedures manual, and the PBC HIV CARE Council Membership Manual which lists membership roles and responsibilities, all of which were reviewed.

I then made contact with Program Manager Sonja Holbrook, and scheduled a meeting with her at her office for May 1, 2012 at 2:30 PM to discuss the issues listed in the email to the COE, as well as to obtain a more in depth understanding of the CARE Council and its mission, as well as a better understanding of the “vote” concerning the distribution of funds of the Peer Mentoring Program by the CARE Council.

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<sup>1</sup> Palm Beach County CARE Council organizational bylaws.

Due to higher priority investigations, I had to place this Inquiry on hold, and upon returning to it in July, met with Sonja Holbrook at her office a second time on July 19, 2012 to review the workings of the CARE Council.

- **Interviews with Sonja Holbrook, Program Manager, PBC CARE Council and Grant**

On May 1, 2012, I met with PBC CARE Council and grant Program Manager Sonja Holbrook, as well as Taruna Malhotra, Director of Financing and Support Services for the Community Services Division. The meeting was held at Holbrook's office at PBC Community Services, 801 Datura St., West Palm Beach at approximately 2:30 PM. Since that point, Holbrook and I have had several email and telephone discussions to educate me as to the functioning of the CARE Council, as well as an additional meeting at her office on Thursday July 19, 2012 at 10:00 AM, which was attended by her supervisor, Renee Costantino.

Sonja Holbrook advised that the CARE Council is an acronym for "Comprehensive AIDS Resources Emergency Care Council." Pursuant to their bylaws, the CARE Council originally allowed up to 45 members, but at this time is allowed a maximum of 33 members. The membership is ideally comprised of one-third of members drawn from AIDS/HIV service providers, one-third from the AIDS/HIV community (either persons afflicted by the HIV virus, or family members), and one-third from the general PBC community, and may include community leaders. Each member is appointed to the CARE Council by the PBC Board of County Commissioners (BCC), and therefore fall within the jurisdiction of the Commission on Ethics. Mary Kannel (representing HIV/AIDS service providers in the CARE Council), was the Chairperson of the CARE Council at the time my Inquiry began. Rafael Abadia (representing the AIDS/HIV affected community on the CARE Council) was the Vice-Chairperson. New elections were held in March 2012 and Rafael Abadia has assumed the position of Chairperson of the CARE Council.

Between \$9 million and \$11 million per year of grant funding is awarded to the CARE Council through the Ryan White CARE Act under what is known as "Part A," funding for local organizations. The State of Florida also receives funding from the Ryan White CARE Act under what is known as "Part B" of the Act. This funding includes monies for the Palm Beach County Health Department, which is a state agency and part of the Florida Department of Health.

Holbrook advised me that the "Peer Mentoring Program" was developed to provide "mentors" for HIV/AIDS affected clients, and involves assisting newer clients in navigating the healthcare and benefit systems for HIV/AIDS related assistance, by providing mentoring by more experienced clients who better understand the system to assist in this process. According to Renee Costantino, at my July 19<sup>th</sup> meeting, the Peer Mentoring Program had been implemented and budgeted for at least the past five (5) years, but because of the difficulty in filling mentoring positions, and other needs in higher priority funding areas, those funds have always been diverted to other areas of use. Therefore, contrary to the anonymous allegations, this is not a new program.

The CARE Council itself makes recommendations to the BCC concerning what general categories of services/programs are to be funded by the available grant funding, (i.e., mental health services, case management services, peer mentoring services, substance abuse services, etc.), and what percentage of available funding should go to each category. Once a general budget is approved by the BCC, the Community Services Division Staff, including Holbrook, decides what provider agencies will receive funding, although there is input from the CARE Council Priorities and Allocations Committee. Rafael Abadia is the Chair of this Committee. Due to the use of a scoring matrix using objective criteria for each category of applicant, and the fact that the funds are awarded to the applicant(s) with the highest scores, Holbrook feels it is unlikely the award of funding to individual service providers could be manipulated by this committee.

Holbrook noted that HIV/AIDS service providers are a very small and specific group, therefore, many of the same agencies bid for funds to provide these services. The PBC Health Department was one of four (4) applicants for funds to provide peer mentoring services. Of the \$250,000 of funding available for this program under the approved budget, \$41,500 was awarded to the PBC Health Department. The other entities that applied for funding from the county "Part A" grant were; Compass, Inc., (applied for \$50,000 in funding), Comprehensive AIDS Program, Inc., (applied for \$205,842 in funding), and Minority Development and Empowerment, Inc., (applied for \$127,350 in funding). According to documents provided by Holbrook regarding the RFP procedure and results for the peer mentoring services, both Compass, Inc. and Minority Development and Empowerment, Inc., were denied funding because they scored below the 75 point threshold under the award criteria used. Comprehensive AIDS Program, Inc. and the PBC Health Department were awarded the full amounts they requested under these same criteria because they had the highest scores. These awards amounted to \$247,342 of the available \$250,000

budgeted amount. Holbrook also stated that it is likely that the Health Department will return the \$41,500 grant from the CARE Council, because they have been able to fill only one (1) of the four (4) slots available for a peer mentor and the one position was funded from a different source. The one (1) Peer Mentor slot for the Health Department that was filled was by the employment of Rafael Abadia.

Holbrook also pointed out that the CARE Council members have all been trained in the PBC Code of Ethics, and receive regular training and guidance from PBC Assistant County Attorney Tammy Fields on the conflict of interest sections of the code. In fact, Holbrook stated that members have abstained from voting in the past when they represented private health care providers, and that the CARE Council members take that issue very seriously. However, they have been told by attorney Fields that when voting to recommend a general budget with only general service categories, (as was done here), and where no recommendations are made as to specific service providers, they need not abstain.

End of interview.

At the time the recommendations for the general budget were made at the November 15, 2011 meeting of the Priorities and Allocations Committee of the CARE Council, Mary Kannel was an employee of the PBC Health Department, and was in charge of the Health Department's Peer Mentoring Program. Rafael Abadia was not employed by the Health Department at that time, but did enter into their employment in February 2012 as a peer mentor. Both Kannel and Abadia did participate and vote during this meeting. Kannel's participation and vote are not at issue, since her outside employer is a governmental entity and thus specifically exempted from the definition of "outside employer" under the code. There is no evidence that Kannel benefited personally from the grant allocation vote. Because of the close proximity of his vote and his employment by the Health Department as a peer mentor, and the possibility of a *quid pro quo* in obtaining that employment (although not alleged by the anonymous email complaint), it was necessary to inquire into this issue in more depth. Also, because Abadia became employed by one of the applicants for funding in the very program that received this funding, it is necessary to look at the possibility of a conflict of interest in this vote by Abadia.

According to a May 3, 2012 email sent to Sonja Holbrook from Marianne Santiago, Budget Analyst for the PBC Health Department, Rafael Abadia began employment with the Health Department on February 17, 2012. His position is not funded with any portion of the \$41,500 "Part A" grant provided by the CARE Council. The position was initially paid for by the Ryan White "Part B" funding that the Florida Department of Health (FDH) receives directly from this federal grant, and is now paid for by the Federal "AIDS Prevention Grant," also given directly to FDH. During a telephone conversation I had with Santiago concerning this issue on July 18, 2012, she told me that Abadia's position has never been funded by the "Part A" grant funds given to FDH by the CARE Council. She also stated that FDH has four (4) budgeted positions for Peer Mentors, but has only been able to fill the one held by Abadia. However, the fact that these funds were not used to fund that specific position does not mean that no conflict existed for Abadia, and this issue needed to be further investigated.

- **Interview with Rafael Abadia, CARE Council**

On July 24, 2012, I interviewed Rafael Abadia, CARE Council member. This interview was conducted at the Palm Beach County Health Department, 1150 45<sup>th</sup> St., WPB, and was taken under oath and tape recorded. The interview began at 9:57 AM and ended at 10:18 AM.

Rafael Abadia stated that he has been involved in HIV/AIDS issues since 1986 when he lived in New York and was on the AIDS Planning Council in Manhattan. He has been a member of the PBC CARE Council since 2006, when he joined shortly after relocating to Florida. Abadia is also a member of the Florida Statewide Consumer Advisory Group (CAG), Bureau of HIV/AIDS, and has been a member since 2007. Abadia became the Chairperson of the PBC CARE Council in April, 2012 when he succeeded Mart Piper Kannel in that position. Prior to that he was the Vice-Chair, and was Chairperson of the Priorities and Allocation Committee of the CARE Council, which is the committee that makes the final recommendation to the BCC concerning the overall budget, and what general service categories should be funded by the Ryan White "Part A" Grant. This recommendation is first presented to the BCC, the actual recipient of the grant, who then passes the budget as recommended, or makes changes as needed.

Abadia advised that it is county staff, including Sonja Holbrook, who decides what service providers will be used to provide for the general categories of services approved in the budget. However, he advised me that he was a participant in the service provider review process for RFP's conducted by the CARE Council, but stated that this is

an objective review of providers based on specific criteria set out by the CARE Council, to ensure that the grant applicants have the ability to provide the required services. After these reviews, county staff adds up the criteria numbers and makes the determination of who is awarded funds. He was not a part of that final process.

Abadia also stated that he was a volunteer Peer Mentor for many years, and regardless of who had been awarded the funding, he would have been able to obtain employment from any of the applicants based on his knowledge, skills and abilities. Further, he states he made no secret of the fact that he intended to seek this employment because it is an area of great need in the HIV/AIDS community, and one he enjoys working in. The Health Department did receive Peer Mentor Grant funds. Ultimately, he was the only person hired by the Health Department, although there were four (4) slots available, because as a state organization, the Department requires an extensive background check. There have been several applicants who applied for the other positions, but none have been able to be hired due to various background problems. Several of these applicants have been hired by Comprehensive AIDS Program, Inc., because as a private employer, their background checks are not as extensive, and a criminal record does not automatically disqualify a candidate as it might with the state.

Abadia receives monthly disability payments, and is paid \$16.83 per hour as a Peer Mentor with the Health Department, but does not receive employment benefits such as retirement, medical, etc. However, he is covered for his medical by a different government source, based on receiving disability. His position was originally funded by the Ryan White "Part B" Grant (which is a grant directly to the state, not through CARE Council), but is now funded by a different federal grant to the state. He states that ultimately his position was never actually funded by the CARE Council Grant to the Health Department,

I asked Abadia if he was offered the position with the Health Department based on any vote or other involvement by him in obtaining the CARE Council grant for the Health Department. His reply was, "no," he was offered the Health Department position based on his qualifications. He had a lot of experience in the area of HIV/AIDS services, including Peer Mentoring. He chose the Health Department over private employers because he was comfortable there, having volunteered with them for many years. He also stated that the Peer Mentor Program has been in the works for many years, and is not a new program. However, in each of the past several years while funded, the positions were never filled, and so the funding was transferred to other programs. He also stated that the original idea was started in Boston, and that statistically, this program is shown to be of great value to people affected by HIV/AIDS. That is the reason he wanted to work as a Peer Mentor.

Rafael Abadia appears to be very passionate about HIV/AIDS issues, and has been involved in these issues for more than twenty (20) years, mostly on a volunteer level. The fact that he told me under oath that he did not join the Health Department as a Peer Mentor to make money, nor was he offered the job because of his support for the Peer Mentor Program at the Health Department is significant to this inquiry. Abadia clearly believes very strongly in his role of helping guide HIV/AIDS affected families through the bureaucracy of the many service providers and government regulations, and to make a difference in the care of HIV/AIDS patients and their families. However, his statement that he knew he would seek employment in a program that he both voted for on the CARE Council and assisted in determining which entities would receive funding is troubling from a conflict of interest standpoint.

End of Interview.

- **Interview with Mary Kannel, CARE Council**

On July 24, 2012, I interviewed Mary Kannel, CARE Council member. This interview was conducted at the Palm Beach County Health Department, 1150 45<sup>th</sup> St., WPB, and was taken under oath and tape recorded. The interview started at 10:39 AM and ended at 11:00 AM.

Mary Kannel is the immediate past Chairperson of the CARE Council, and had held the Chairperson position for three (3) years prior to Rafael Abadia succeeding her in April 2012. She is employed by the PBC Health Department, where she is the Quality, Case Management and Prevention Manager for the HIV/AIDS Section. As such, she is Rafael Abadia's direct supervisor, because the Peer Mentoring Program falls within her responsibilities. She has known and worked with Abadia for many years on both the CARE Council and as a member of the Florida Statewide Consumer Advisory Group (CAG), Bureau of HIV/AIDS, where she has also been a member since 1989. She became employed by the Health Department in 2003, but has been on the CARE Council since 1993.

When discussing how she chose Abadia as the first Health Department Peer Mentor, Kannel stated simply that he was chosen because he was the best qualified individual for this position, based on his experience in the field, his proven skills as a volunteer Peer Mentor, the fact that he had already been trained in this program while he was a volunteer, and the fact that he was able to pass the extensive state required background investigation. Kannel explained that many if not most of the group of people who are qualified and interested in being a Peer Mentor, because of the nature of HIV/AIDS issues, cannot pass this background check. This is the reason only one (1) of four (4) slots has been filled, although several people have applied. She also echoed the statements by both Holbrook and Abadia that CARE Council members only vote on a general budget of categories of services for the HIV/AIDS communities to recommend to the BCC, they do not choose what service providers are given contracts. This is solely the province of county staff. She also advised that many people on the CARE Council pushed for a Peer Mentor Program for several years, because it has been statistically shown by a Boston College study and others to be very successful and important to the HIV/AIDS affected population.

Kannel also pointed out that none of the funding for this program currently comes from the CARE Council grant, and that funding will in all probability be returned for use in other areas of need, since they have not been able to fill the other open Peer Mentor slots. She reiterated that the position was offered to Abadia based solely on his being the very best candidate, and for no other reason.

End of interview.

After conducting interviews with the listed witnesses and the Respondents, I discussed two significant issues concerning this case with COE Executive Director Alan Johnson. The first issue we addressed concerned Abadia's vote on a general budget recommendation that also listed funding for specific programs, including the Peer Mentoring Program. Abadia had admitted in his interview that he had intentions of seeking employment from vendor(s) receiving funding from this grant. The fact that the specific employment position he accepted with the Health Department was not actually funded by this program would not necessarily lessen this potential conflict, given that the funds were for the same program. The second issue discussed was that even though overall "objective" criteria were used in the selection process for applicants wishing to receive funding for a Peer Mentoring Program from the CARE Council Ryan White Grant, the assignment of value to each category within the criteria has a subjective component. The fact that Abadia participated in this process by reviewing applications and assigning a value to each category, knowing that he was dealing with a likely future employer regardless of who received the funding, and eventually accepting employment with one of those applicants, created an even stronger possibility of a conflict of interest. Unlike Kannel, Abadia was not an employee of the Health Department at the time of the vote or the application screening process. While Kannel had no conflict with an outside employer under the code because her "outside employer" is another governmental entity, and she received no personal financial gain from the allocation, in Abadia's case, because he had stated that he intended to seek employment within the Peer Mentoring Program in general, he was in a position both by his vote to recommend funding the overall program, and his participation in the final screening of the applications, to assist in funding any specific applicant's program, including the Health Department, where he was eventually hired. Because Abadia, Kannel and Holbrook each mentioned they received guidance in these matters from Assistant County Attorney Tammy Fields, it was determined that I should speak to her regarding these issues.

I was able to speak with Assistant County Attorney Tammy Fields concerning what specific guidance she had given to CARE Council members concerning conflicts of interest. Attorney Fields told me that she offered only general advice concerning issues of conflicts of interest to the CARE Council members, and that was prior to the adoption of the PBC ethics ordinance. While she did advise that general recommendation involving the allocation of grant money not involving specific providers did not violate state law, her advice to them since the inception of the PBC Code of Ethics (the Code) and the Commission on Ethics (COE) has been for Council members to ask the COE for an advisory opinion when such a question arises. She was not aware at the time this budget proposal was adopted as a recommendation by the CARE Council that Abadia had expressed an interest in employment in a specific program potentially being funded by this budget, nor was she aware that he had participated in the selection process for potential vendors of this program, as Abadia had not contacted her directly with these issues. Had he done so, she advised she would have directed him to COE staff to request an advisory opinion prior to his voting on this budget because of the specific program funding and his interest in employment within one of the programs.

Based on interviews with witnesses and the Respondents in this case, certain facts and reasonable inferences based on these facts were established as follows:

1. The HIV/AIDS population in Palm Beach County takes many and varied resources. However, there are a very limited number of service providers for infected members (patients) or affected members (family members or other caregivers) within this population.
2. The PBC CARE Council is an advisory committee, created for the purpose of caring for persons infected with HIV/AIDS, and their families and support systems. Each member serves in a non-paid role and makes recommendations to the BCC on what general service categories should be funded from a federal HIV/AIDS grant given to the county, known as the Ryan White CARE Act
3. Sonja Holbrook is the Ryan White Program Manager for PB County, and is employed by the PBC Community Services Department. She is also the staff liaison to the CARE Council.
4. The CARE Council makes general funding recommendations to the BCC on what categories of patient/family service should be supported by the grant funding available, but these categories may include specific programs for funding, such as Peer Mentoring.
5. Once the CARE Council budget is approved by the BCC, County staff determines what specific service providers receive contracts to provide the various patient and family services.
6. Contracts are awarded by Palm Beach County based on a set of objective criteria created to find providers that are both reliable and professional. Providers are accepted or rejected based on the criteria by using a point system that requires a potential provider to obtain a score of at least 75 points. However, the evaluation of each applicant is done by assigning a "point value" to each category, and this assignment of values does have a subjective component because this determination is made by persons reviewing the applications.
7. The PBC Health Department was one of two (2) applicants for "Peer Mentor Program" funding that reached the required 75 point score. The other provider is the Comprehensive AIDS Program, Inc. Each of these providers were granted the entire amount of their request (PBC Health Department \$41,500, and Comprehensive AIDS Program, Inc., \$205,842) from the \$250,000 allocated for this program.
8. Respondent Mary Piper Kannel is a member and immediate past Chairperson of the CARE Council, and is employed by the PBC Health Department. Part of her job is to supervise the Peer Mentor Program.
9. Rafael Abadia is the current Chairperson of the CARE Council, is now employed by the PBC Health Department as a Peer Mentor, and has been so employed since February 17, 2012. He was not a Health Department employee when the CARE Council recommended funding of this service category to the BCC, or when he participated in the assessment of applicants to the CARE Council for grant funds for the Peer Mentor Program. However, he was aware that he was going to apply for a position in a Peer Mentor Program, and stated that he also disclosed this fact to other members of the CARE Council.
10. The position held by Rafael Abadia with the Health Department ultimately was not funded by the grant funds given to the Health Department by the CARE Council, but the Health Department did accept \$41,500 in grant funding from the CARE Council, and Abadia did assist in the assessment process to determine what applicants would be awarded these funds, including his future employer the PBC Health Department.
11. There are three (3) remaining slots with the Health Department for Peer Mentors that remain unfilled, and the funding given to the Health Department by the CARE Council for Peer Mentoring will likely be returned and used for other future programs because of this inability to find qualified candidates for these positions.
12. Both Mary Kannel and Rafael Abadia gave a sworn statement that the obtaining of funding by the Health Department from the CARE Council for Peer Mentoring was not a consideration in the Health Department's employing Abadia as a Peer Mentor. This employment was based solely on his being

the most qualified candidate for the position. Based on his background he appears to be very qualified for this position.

13. In voting on the final budget which included the funding of a Peer Mentoring Program, Abadia appeared to believe that he had no conflict of interest because he was not an employee of any of the applicants for these funds at the time. He based this belief incorrectly on general information the CARE Council had received from Assistant County Attorney Tammy Fields concerning conflicts of interest when dealing with general budget issues some time prior to the PBC Code of Ethics being implemented, and where Fields did not mean for this advice to pertain to specific earmarked program grants, in particular such as those found in this Inquiry.

- **Documents submitted to file**

1. Copy of emails listing the basis for this Inquiry from anonymous source. (3 pages)
2. Copy of emails between Sonja Holbrook and Investigator Mark Bannon concerning this Inquiry. (9 pages)
3. Copy of the October 18, 2011 BCC Agenda Item Summary submitted by PBC Community Services asking the BCC to designate the CARE Council as the planning council required under "Part A" of the Ryan White Act. (3 pages)
4. Copy of information from the PBC HIV CARE Council website ([www.carecouncil.org](http://www.carecouncil.org)) listing their purpose and other information about the CARE Council. (5 pages)
5. Copy of CARE Council inventory of seats and names of who is on the Council as of 10/26/2011, including both Respondents. (2 pages)
6. Copy of CARE Council attendance record for 2010 and 2011. (2 pages)
7. Copy of Ryan White Program 2012 RFP Process and notes as provided by Sonja Holbrook. (7 pages)
8. Copy of Ryan White Award Recommendations to BCC, provided by Sonja Holbrook. (3 pages)
9. Copy of Ryan White Part A Implementation Overview provided by Sonja Holbrook. (1 page)
10. Copy of Information for Sonja Holbrook and the relevant organizational chart from the county intranet, Novell eguide system. (5 pages)
11. Copy of information concerning the Florida Statewide Consumer Advisory Group (CAG) from the Bureau of HIV/AIDS website ([www.doh.state.fl.us/Disease\\_ctrl/aids/care/CAG\\_consum\\_advis\\_group.html](http://www.doh.state.fl.us/Disease_ctrl/aids/care/CAG_consum_advis_group.html)). (4 pages)
12. Copy on November 15, 2011 meeting minutes of the Priorities and Allocations Committee. (3 pages)

- **Legal Analysis**

**The following portions of the PBC Commission on Ethics ordinance are relevant to this Inquiry:**

**Section 2-254. Creation and jurisdiction.**

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to *any person required to comply with the countywide code of ethics*, the county lobbyist registration ordinance, and the county post-employment ordinance... (Emphasis added)

**Section 2-442. Definitions.**

*Advisory board* shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.



*Official or employee* means any *official* or employee of the county or the municipalities located within the county, whether paid or unpaid. (Emphasis added)

*Outside employer or business* includes:

Any entity, other than the county, the state, or any other federal regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced.

**Sec. 2-260.3. Dismissal of complaints.**

Notwithstanding any other provisions of this division, the commission on ethics may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the commission on ethics dismisses a complaint as provided in this subsection, the commission on ethics shall issue a public report stating with particularity its reasons for the dismissal.

All members of the CARE Council, as an advisory board with members appointed by the BCC, are subject to the provisions of the PBC Code of Ethics, as of May 1, 2010, when Palm Beach County employees and officials came under the jurisdiction of the PBC Commission on Ethics. Both Respondents were members of the CARE Council at that time. Both have also completed the required ethics training. An outside employer or business does not include any governmental entity, such as the PBC Health Department, a state agency.

**The following sections of the Palm Beach County Code of Ethics are relevant to this inquiry.**

**Section 2-443(a), *Misuse of public office or employment***, states in relevant portion:

An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a *special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities*: (Emphasis added)

- (1) Himself or herself;
- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;

Abadia voted to recommend the proposed general budget at the November 13, 2012 meeting of the CARE Council Priorities and Allocations Committee, where he served as Chair. This budget recommendation, while general in nature, also included specific funding levels for particular programs, including the Peer Mentoring Program. At the time of his vote on this recommended budget, Abadia was aware and had disclosed to others that he intended to apply for employment as a Peer Mentor with any subsequent applicant who received funding for this program. He then assisted in the vendor assessment process used by County staff to eventually determine which candidates would receive funding for their Peer Mentoring Program from the CARE Council Ryan White "Part A" Grant. After voting and participating in this process of funding and selection of vendors, Abadia was given employment with a recipient organization, the PBC Health Department, as a Peer Mentor, which appears to violate §2-443(a)(1) of the Code of Ethics.

Although the recommendation was for a general budget, the specific allocations to the Peer Mentoring Program, along with Abadia's acknowledgement that he would have applied for employment with any of the applicants receiving funds, and his participation in the selection process assessment of grant applicants which included the selection of his future employer to receive funding, indicates a conflict of interest existed both when he voted, and when he participated in the assessment process. The fact that these funds were ultimately not used by the provider to fund his specific position, or that they may be returned to the CARE Council because the funded positions are not able to be filled, does not remove this conflict at the time of his vote and participation. However, based on Abadia's misinterpretation of the information concerning conflicts of interest given by the Assistant County Attorney Tammy Fields, and his strong belief that this program would be very beneficial to the HIV/AIDS

community, based on his own experience and studies conducted in this area, his actions if in violation of §2-443(a)(1) appear to be unintentional and insubstantial.

Regarding Mary Kannel, she was already employed by the PBC Health Department when it received the \$41,500 grant from the CARE Council. There was no personal benefit to her in voting for this recommended budget even though funding was awarded to the Health Department. And, although §2-443(a)(4) prohibits an official from using his or her official position in a manner so as to gain a "special financial benefit" not available to similarly situated members of the general public, for any "outside employer of business..." the Health Department is excluded from the definition of an outside employer based on it being a government entity. Therefore, even though Mary Kannel was employed by the Health Department, she did not violate any provision of the Code of Ethics by her vote.

**Section 2-443(c) Disclosure of voting conflicts**, states in relevant portion:

County and municipal officials as applicable *shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above.* The official shall publicly disclose the nature of the conflict and when abstaining from the vote, *shall complete and file a State of Florida Commission on Ethics Conflict Form 8B* pursuant to the requirements of Florida Statutes, §112.3143. *Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.* (Emphasis added)

All votes made by members of the CARE Council in recommending the funding of a Peer Mentoring Program from the CARE Council's Ryan White Grant, were recommendations for a general budget. However, because there was a specific earmark within that budget for the funding of a program for which Abadia intended to apply for employment, he should have abstained from voting, and not participated in the discussion of this matter at the meeting of the Priorities and Allocations Committee of the CARE Council on November 13, 2012. He was also required to file a Form 8B after this abstention. He instead voted on this issue, appearing to be in violation of this section of the code, and failed to file a Form 8B within 15 days of abstaining as required by state law, and failed to send a copy to the PBC Commission on Ethics as required under the code. Again, based upon the facts and circumstances, including misunderstanding the County Attorney's advice as to issues involving general budgets versus earmarks for specific programs, the violation appears to have been inadvertent and insubstantial.

- **Conclusion**

**Respondent Mary Kannel:**

The anonymous complaint letter alleged that Respondent Mary Kannel voted as a member of the CARE Council to recommend that the BCC pass a budget which had specific funding earmarked for a program (Peer Mentoring), for which her employer, the PBC Health Department, was one of several applicants. While this allegation was supported by evidence found during the inquiry, because the Health Department is a governmental entity, it is specifically excluded from the definition of "outside employer" by §2-442 of the Code. There was no personal benefit to the Respondent Mary Kannel by this vote either alleged or discovered during this Inquiry. Based on the clear language of the PBC Code of Ethics, the allegations, even though found to be true, do not constitute a violation of the Code of Ethics under these facts. Therefore, there is NO LEGAL SUFFICIENCY to open a formal investigation into this matter as it relates to Respondent Mary Kannel. Staff recommends that no further action be taken regarding Respondent Mary Kannel.

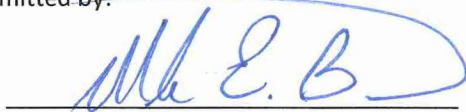
**Respondent Rafael Abadia:**

The anonymous complaint letter also alleged that Respondent Rafael Abadia voted as a member of the CARE Council to recommend that the BCC pass a budget which had specific funding earmarked for a program (Peer Mentoring), for which the PBC Health Department eventually received funding of \$41,500. The Inquiry revealed that Respondent Abadia not only voted on this budget with specific funding earmarked for Peer Mentoring, but that he later assisted in the assessment process used by county staff to determine which applicants would receive this funding. Within four (4) months of these actions, Respondent Rafael Abadia accepted employment from the PBC Health Department in their Peer Mentoring Program, although apparently not ultimately funded with the monies from the CARE Council grant. Further, Respondent Rafael Abadia stated that he made it known that he intended to seek employment within the Peer Mentoring program from whichever applicant received funding for this program.

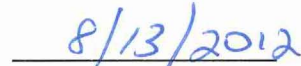
However, interviews conducted during this Inquiry revealed that the CARE Council as a group had requested and received guidance from the County Attorney's Office concerning conflicts of interest. Each believed that because this vote was based on recommending a general budget, that there were no conflicts of interest for any CARE Council member. Abadia incorrectly relied on this general information that was never meant to be applied to specific earmarks such as were presented in this case, but as a general rule. Further, Abadia was an ideal candidate for a Peer Mentoring position, and most likely would have been hired by any applicant who received this funding, based on his unique experience, training, background clearance and abilities. Finally, Abadia disclosed the fact that he intended to apply for employment with the Peer Mentoring Program, an indication that he did not understand the potential conflict this created.

Staff recommends that no further investigation into this issue is warranted, that there exists **LEGAL SUFFICIENCY** to file a complaint under Section 2-260(2) of the Palm Beach County COE Ordinance that Respondent Rafael Abadia violated Section 2-443(a)(1), *Misuse of public office or employment*, and Section 2-443(c), *Disclosure of Voting Conflicts*. Based on the facts and circumstances uncovered during this Inquiry, it appears that these violations were inadvertent, unintentional or insubstantial. Therefore, staff also recommends that, prior to a **PROBABLE CAUSE** determination, the COE Dismiss the Complaint and issue a **LETTER OF INSTRUCTION** to Rafael Abadia, as allowed under Section 2-260.3, *Dismissal of Complaints*, of the PBC Commission on Ethics Ordinance.

Submitted by:

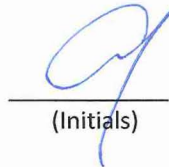


Mark E. Bannon, Investigator  
PB County Commission on Ethics

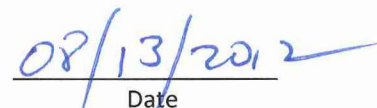


Date

Reviewed by:



(Initials)



Date

PALM BEACH COUNTY COMMISSION ON ETHICS  
MEMORANDUM OF NO PROBABLE CAUSE  
WITH LETTER OF INSTRUCTION

To: Commission on Ethics  
From: Megan C. Rogers, Staff Counsel  
Re: Case Number C12-007 – Rafael Abadia, CARE Council Chairperson (Advisory Board)

---

- **Recommendation**

A finding of NO PROBABLE CAUSE should be entered in the above captioned matter as to the allegations made in the Complaint and a DISMISSAL and LETTER OF INSTRUCTION be issued to Respondent.

*Probable Cause exists where there are reasonably trustworthy facts and circumstances for the Commission on Ethics (COE) to believe that the Respondent, Rafael Abadia, violated the Palm Beach County Code of Ethics.*

- **Jurisdiction**

The COE has jurisdiction pursuant to Chapter 2, Article V, Division 8, §2-258(a) of the Palm Beach County Commission on Ethics Ordinance which states in pertinent part:

Article V, Division 8, Section 2-258. *Powers and duties.* (a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the;

- (1) County Code of Ethics;
- (2) County Post-Employment Ordinance, and
- (3) County Lobbyist Registration Ordinance.

Article XIII, §2-443(a)(1), *Misuse of public office or employment*, of the Palm Beach County Code of Ethics (the Code) prohibits any employee or official from using their position to give a special financial benefit to themselves.

Article XIII, §2-443(c) *Voting conflicts*, prohibits an official from participating in, or voting on an issue that would give him or her a special financial benefit, as described in §2-443(a).

This memorandum adopts by reference the Memorandum of Inquiry prepared by COE investigative staff.

- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff through an anonymous email dated April 23, 2012, sent to the Commission on Ethics (COE). The email stated that the vice chairperson of the Palm Beach County HIV/AIDS CARE Council (the CARE Council) and chairperson of one of its committees (Priorities and Allocations Committee-PAC), Rafael Abadia, had improperly voted on an issue for which he or his outside employer financially benefitted. After inquiry, a finding of legal sufficiency was made by the COE Executive Director and a Complaint was filed on August 16, 2012.

- **Inquiry**


Based upon the information presented in the email, an initial inquiry was undertaken pursuant to Commission on Ethics Rule of Procedure 4.1.2. Allegations pertained to a November 15, 2011 vote resulting in a recommendation by the CARE Council to allocate \$250,000 in funding from the Ryan White CARE Act for a specific Peer Mentoring Services program. Subsequent to the vote, Respondent participated in a Request for Proposal (RFP) process with Palm Beach County staff in the scoring and selection of health care providers to receive funds from this allocation. Among the four applicants for these dollars was the Palm Beach County Health Department (Health Department), ultimately receiving a \$41,500 grant for Peer Mentoring.

It was Respondent's intention to apply for work as a Peer Mentor regardless of which provider was ultimately selected to receive grant money for Peer Mentor Services. Notwithstanding this conflict, he did participate in the allocation recommendation by the CARE Council as well as the RFP selection process. However, circumstances indicate he did so under the mistaken belief that participating in general budget allocations without a current or immediate financial conflict was not a violation of ethics rules. This is based in part on advice given to the CARE Council by an Assistant County Attorney regarding compliance with State of Florida ethics statutes. Several months later, Respondent applied for and was hired as a Peer Mentor by the Health Department. Due to an inability to find other qualified Peer Counselors, the Health Department ultimately did not use the allocated funds and will be returning the funds for future allocation to other areas.

- **Conclusion**

Based on the facts and circumstances, there is INSUFFICIENT PROBABLE CAUSE to believe that Respondent, Rafael Abadia, has violated §2-443(a) and/or §2-443(c) of the Palm Beach County Code of Ethics. The facts obtained during the inquiry indicate that Respondent was under the mistaken belief, based on advice from an Assistant County Attorney, that he was permitted to participate in the budget recommendation for allocation of grant funds as well as the selection process for providers (RFP) for specific programs provided he did not have a current financial relationship with the program or provider. Florida law requires that a financial benefit be direct and immediate.<sup>1</sup> Where a benefit can only be realized by an intervening contingency it is generally considered too remote and speculative to sustain a violation.<sup>2</sup> While the Palm Beach County Code of Ethics (the Code) is more stringent than state law, this issue has not previously been publicly discussed within that context.

While the facts and circumstances may support a violation, staff concludes that there is no likelihood of a finding of violation under the *clear and convincing* evidence standard as required by Article V, Division 8, §2-260.1(g). In light of the apparent conflict with state law construction as well as general advice of counsel resulting in some confusion as to the voting standard staff recommends a finding of NO PROBABLE CAUSE be entered in this case. Additionally, the Code permits the COE to *dismiss any complaint at any stage of disposition and issue a letter of instruction to the Respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial* or where *the public interest would not be served by proceeding further*. Therefore, staff recommends that this matter be DISMISSED and a LETTER OF INSTRUCTION be issued pursuant to Article V, Division 8, §2-260.3.

By:   
Megan C. Rogers, Staff Counsel/Advocate  
Palm Beach County Commission on Ethics

  
DATE

<sup>1</sup> George v. City of Cocoa, 78 F.3d 494 (11<sup>th</sup> Cir. 1996)

<sup>2</sup> CEO 05-15, September 7, 2005

PALM BEACH COUNTY COMMISSION ON ETHICS

## MEMORANDUM OF LEGAL SUFFICIENCY

To: Commission on Ethics  
From: Alan Johnson, Executive Director  
Re: Case Number AN 12-009 – Rafael Abadia, PBC HIV/AIDS CARE Council (Advisory Board)

---

- **Recommendation**

Regarding Respondent, Rafael Abadia, chairperson of the Comprehensive AIDS Resources Emergency Care Council (CARE Council), an advisory board to the Palm Beach County Board of County Commissioners (BCC), and the Priorities and Allocations Committee of the Care Council (PAC), the Commission on Ethics Staff recommends a finding of LEGALLY SUFFICIENT be entered in case number AN 12-009.

*Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.*

- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff through an anonymous email dated April 23, 2012, sent to the Commission on Ethics (COE). The email stated that the vice-chairperson of the Palm Beach County HIV/AIDS CARE Council (the CARE Council) and chairperson of one of its committees (Priorities and Allocations Committee), Rafael Abadia, had improperly voted on an issue for which he or his outside employer financially benefitted.

- **Initial Inquiry**

Based upon the information presented in the email, an initial inquiry was undertaken pursuant to Commission on Ethics Rule of Procedure 4.1.2. Allegations pertained to a November 15, 2011 vote resulting in a recommendation by the CARE Council to allocate \$250,000 in funding from the Ryan White CARE Act for a specific Peer Mentoring Services program. Subsequent to the vote, Respondent participated in a Request for Proposal (RFP) process with Palm Beach County staff in the scoring and selection of health care providers to receive funds from this allocation. Among the four applicants for these dollars was the Palm Beach County Health Department (Health Department), ultimately receiving a \$41,500 grant for Peer Mentoring. Several months later Respondent obtained employment with the Health Department as a Peer Mentor. In determining whether or not there is sufficient information based upon facts which *have been sworn to as true by a material witness or witnesses* to support a finding of legal sufficiency, staff investigator Mark Bannon interviewed witnesses with knowledge and obtained relevant documents. The information obtained, if true, would support the offenses alleged and provide a sufficient basis to institute a complaint in good faith.

- **Analysis**

Pursuant to Chapter 2, Article V, Division 8, §2-258(a), the jurisdiction of the commission on ethics extends to the Palm Beach County Code of Ethics (the Code), Post-employment and Lobbyist Registration Ordinances. Violations of §2-443(a) (Misuse of office) and §2-443(c) (Disclosure of Voting Conflicts) of the Code of Ethics are, therefore, within the jurisdiction of the Palm Beach County Commission on Ethics. The Commission on Ethics also has

personal jurisdiction over advisory board members appointed by the Palm Beach County Board of County Commissioners (BCC) thus making Respondent an "official" under the Code.

Applying the available information to the Code, we review the facts to determine whether reliable information points to actions that may violate the Palm Beach County Code of Ethics:

**Section 2-443(a), *Misuse of public office or employment***, states in relevant portion:

*An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities: (Emphasis added)*

- (1) Himself or herself;
- (4) An outside business or employer of his;

**Sec. 2-443(c). *Disclosure of voting conflicts***, states as follows in relevant portion:

- (c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics.

The sworn testimony and documentation provided does on its face allege violations of §2-443(a) and (c). While intending to obtain employment specifically related to the Peer Mentoring Services grant, the Respondent voted on the grant allocation recommendation and later participated in the RFP process determining which providers would ultimately receive funding for this specific program. While his intention to apply as a Peer Mentor was general, and not specific to any one provider, Respondent did apply for and obtain employment from one of two providers who ultimately received funding. Respondent failed to disclose this financial conflict at the time the CARE Council considered the Peer Mentor Services allocation, failed to abstain from voting, and failed to file the required Form 8B (Disclosure of voting conflict). In addition, Respondent participated with County Staff in the selection process to determine qualified providers to receive grant funds for Peer Mentoring Services.

- **Conclusion**

Because sufficient information is provided by the submitted documents and sworn interviews, reasonable inferences from those documents and interviews, if true, could support a violation of the code of ethics, case number AN 12-009 against Respondent, Rafael Abadia, is **LEGALLY SUFFICIENT**. Therefore, an investigation into this matter should proceed.

By: \_\_\_\_\_

Alan S. Johnson, Executive Director  
Florida Bar # 223352  
Commission on Ethics  
2633 Vista Parkway  
West Palm Beach, FL 33411  
(561) 233-0724

08/14/2012  
\_\_\_\_\_  
DATE

## Mark Bannon E.

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**From:** Ethics  
**Sent:** Monday, April 23, 2012 8:27 AM  
**To:** Mark Bannon E.  
**Cc:** Alan Johnson S.  
**Subject:** FW: HIV/AIDS CARE Council conflict of interest

Mark,

Please review and let me know what you think.

Thank you,

Gina A. Levesque  
Executive Assistant  
Commission on Ethics  
Ph 561-233-0736  
Fx 561-656-7100

[www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)



*"Honesty, Integrity, Character"*

**From:** Anon Ymous [mailto:useful4stuff1@gmail.com]  
**Sent:** Friday, April 20, 2012 6:06 PM  
**To:** Ethics  
**Subject:** HIV/AIDS CARE Council conflict of interest

Please look into PBC HIV/AIDS CARE Council operations (Dep of Community Svcs)

Chair of Priorities and Allocations Comm Rafael Abadia, and Chair of the Council, Mary Kannel have pushed for new peer mentor programs to be funded for quite some time. They both voted for allocating money for this new service--intending to be funded. Mary Kannel works at health department and they applied for the funds, even after she voted to put funding in this category--she did not abstain from voting. Rafael also voted to put funds for this service. Now, it turns out he has been hired by the Health Department to work in this newly funded program. This appears to be a conflict of interest at a minimum. It appears, at least on the face of it, that Rafael and Mary voted to put money into a new service and then when they got the funds, Rafael benefited by being hired to work in that new program. Please look into this--the whole committee could use a review of the rules. The committee does offer abstention forms if someone abstains from a vote due to a conflict of interest. If you review those for the past year or two you will most likely learn that these two individuals did not declare any potential conflicts related to the peer mentor program, yet both have benefited from this new program. Even though county staff was at each meeting where votes took place they still awarded funds to this program.



## **Gina A. Levesque**

---

**From:** Anon Ymous [useful4stuff1@gmail.com]  
**Sent:** Friday, April 27, 2012 8:32 PM  
**To:** Ethics  
**Subject:** Re: HIV/AIDS CARE Council conflict of interest

The Palm Beach County HIV/AIDS CARE Council members are appointed by the Board of County Commissioners. They determine priorities and allocations for Ryan White Part A funding. The Dept of Community Services uses these priorities and allocations to distribute Ryan White funds that come to the county (roughly \$8 million each year).

On Mon, Apr 23, 2012 at 8:54 AM, Ethics <[Ethics@palmbeachcountyethics.com](mailto:Ethics@palmbeachcountyethics.com)> wrote:

Thank you for the information. While our office would like to open an inquiry, we need additional information to fully understand what is going on. It is unclear what board you are referring to in this email. Is this a county advisory board, who are the members of the board or is it some other kind of group.

Thank you,

**Gina A. Levesque**

**Executive Assistant**

**Commission on Ethics**

**Ph 561-233-0736**

**Fx 561-656-7100**

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## Mark Bannon E.

---

**From:** Sonja Holbrook  
**Sent:** Thursday, May 03, 2012 3:58 PM  
**To:** Mark Bannon E.  
**Subject:** Ryan White Part A Peer Mentor Program

Good afternoon Mr. Bannon,

Below please find the email from the Health Department highlighting the details of Rafael Abadia's hire date and source of salary.

I am compiling the following documents, and plan to email them to you tomorrow.

- January CARE Council minutes
- RFP staff funding recommendations and justification
- Peer Mentor Program description
- Role of CARE Council/staff/Board of County Commissioners.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

**From:** [Marianne\\_Santiago@doh.state.fl.us](mailto:Marianne_Santiago@doh.state.fl.us) [mailto:[Marianne\\_Santiago@doh.state.fl.us](mailto:Marianne_Santiago@doh.state.fl.us)]  
**Sent:** Thursday, May 03, 2012 7:12 AM  
**To:** Sonja Holbrook  
**Subject:** Peer Mentor

671-4125

Sonja, We have one Peer Mentor (Rafael Abadia), who was hired on Friday, February 17, 2012. Funding for this position is received on our Schedule C detail from federal grants through the Florida Department of Health's Bureau of HIV/AIDS Program Office in Tallahassee. This position was initially funded by one federal grant, the Ryan White Part B Minority AIDS Initiative grant from February 17, 2012 through March 31, 2012. Effective April 1, 2012, the position is funded by the federal AIDS Prevention grant. Unless we are notified by the Bureau of HIV/AIDS, funding for this position is reoccurring. If you need any further information, feel free to email or call me at 671-4125. Marianne

## Mark Bannon E.

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**From:** Sonja Holbrook  
**Sent:** Thursday, June 07, 2012 12:59 PM  
**To:** Mark Bannon E.  
**Subject:** RE: Ryan White Part A Peer Mentor Program  
**Attachments:** Section 2 Membership Roster.docx

Hi Mark  
They both fill mandated seats.  
Please find our roster attached.  
As always, please let me know if you have any additional questions.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

---

**From:** Mark Bannon E.  
**Sent:** Thursday, June 07, 2012 9:12 AM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Hi Ms. Holbrook.

I'm just being a pest again.

In looking over my notes, I saw that the CARE Council has some members who are legislatively mandated to serve. Do either Mary Kannel or Rafael Abadia fall into that category? What positions do fall into it?

Again, just want to get my facts straight.

**Mark E. Bannon**  
Senior Investigator  
Commission on Ethics  
Ph 561-233-0729  
Fx 561-233-0735

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*"Honesty, Integrity, Character"*

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**From:** Sonja Holbrook  
**Sent:** Thursday, June 07, 2012 7:38 AM

**To:** Mark Bannon E.  
**Subject:** RE: Ryan White Part A Peer Mentor Program

That will be much appreciated. Thank you.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

---

**From:** Mark Bannon E.  
**Sent:** Wednesday, June 06, 2012 4:17 PM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Thanks so much. I will send you a copy of the Inquiry once completed. Thank you again for your help.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
Ph 561-233-0729  
Fx 561-233-0735

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**From:** Sonja Holbrook  
**Sent:** Wednesday, June 06, 2012 4:08 PM  
**To:** Mark Bannon E.  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Hi Mr. Bannon,  
The finance person is:

Taruna Malhotra  
Director of Finance and Support Services

Please let me know if you have any additional questions.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401

561-355-4730

---

**From:** Mark Bannon E.  
**Sent:** Wednesday, June 06, 2012 2:46 PM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Ms. Holbrook:

I am finishing up my memorandum for this Inquiry. I seem to have forgotten to write down the name of the finance person who met with us in May at your office. Could you please refresh my memory?

Thank you once again for your cooperation in this matter.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
**Ph 561-233-0729**  
**Fx 561-233-0735**

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**From:** Sonja Holbrook  
**Sent:** Tuesday, May 22, 2012 9:52 AM  
**To:** Mark Bannon E.  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Hi Mr. Bannon,  
Attached please find the PBC HIV CARE Council's most recent resolution.  
The BCC approves the membership of the members. The CARE Council is one of the BCC's advisory boards.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

---

**From:** Mark Bannon E.  
**Sent:** Tuesday, May 22, 2012 9:19 AM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Ms. Holbrook,

I forgot to ask one very important question during our meeting. I know that the make-up of the CARE Council is set by the bylaws and/or policy. But, who actually appoints these members? Are they decided on by the membership or staff and then approved by the County Commission? Does the County Commission involve themselves in membership at all?

Thank you once again.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
**Ph 561-233-0729**  
**Fx 561-233-0735**

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**From:** Sonja Holbrook  
**Sent:** Friday, May 18, 2012 9:52 AM  
**To:** Mark Bannon E.  
**Subject:** RE: Ryan White Part A Peer Mentor Program

You do the same.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

---

**From:** Mark Bannon E.  
**Sent:** Friday, May 18, 2012 9:51 AM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Thank you again Ms. Holbrook. Have a great weekend.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
**Ph 561-233-0729**  
**Fx 561-233-0735**

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*"Honesty, Integrity, Character"*

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**From:** Sonja Holbrook  
**Sent:** Friday, May 18, 2012 9:49 AM  
**To:** Mark Bannon E.  
**Cc:** Taruna Malhotra  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Good morning Mr. Bannon,  
The motion to the CARE Council for the GY12 funding recommendation came from the 11/15/11 P&A Committee. Attached find the minutes from that meeting.  
The CARE Council approved the GY12 funding recommendations at their 12/5/11 meeting. These minutes are also attached.  
Below is a list of the P&A Committee members and their affiliations at the time of their 11/15/11 meeting.

Rafael Abadia, Community Member  
Don Hilliard, Community Member  
Marlinda Jefferson, Minority Development and Empowerment, Inc  
Mary Kannel, Palm Beach County Health Department  
Glenn Krabec, Community Member  
Larry Osband, Community Member  
Rik Pavlescak, CAP/FoundCare, Inc.  
Mary Jane Reynolds, Community Member  
Shirley Samples, Community Member  
Kenny Talbot, Community Member  
William Albury, Medicaid  
Roselyn Collins, Gratitude House, Inc.

Also attached is the CARE Council's policy on P&A Committee membership.

When I reviewed the CARE Council minutes posted to the website I realized the August and December minutes were not there.  
We were transitioning website during the Fall 2011. Those minutes were posted to the previous website, but were apparently not transferred to the new website.  
I have attached those minutes for your records.

Please let me know if I can be of any further assistance.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

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**From:** Mark Bannon E.  
**Sent:** Wednesday, May 16, 2012 10:15 AM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Good morning Ms. Holbrook,

As you know from our discussion a few weeks ago, one of the concerns of the COE is the possible correlation between the passing of the committees' budget recommendations for funding certain programs, and the awarding of funds to programs within those guidelines to the Health Department (in particular the peer mentoring program), where Ms. Kannel worked at the time, and where Mr. Abadia became employed soon after in February, 2012.

In reviewing the recommendations of funding listed in the RFP timeline document you provided, I was drawn to the recommended funding for the Peer Mentor Program (page 3), and wondered who specifically voted on this recommendation as it was to be presented to the Council?

My sense is that this recommendation came from Priorities and Allocation Committee chaired by Mr. Abadia. If so, I would like know the membership make-up of this committee if I could. And specifically, is Mary Kannel a member of this committee? If I might also ask, when did this committee meet to discuss these items, and when was their formal recommendation given to the Council? If it came from elsewhere, I would appreciate that committee information as well concerning membership.

Please do not read into this that I am making an allegation of wrongdoing by any CARE Council member. But, I need to do a thorough inquiry into the facts before I can make a recommendation to my boss as to whether there is a potential problem warranting further investigation. I am only reviewing circumstances at this point to make a determination in that regard.

Once again, thank you for your assistance.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
**Ph 561-233-0729**  
**Fx 561-233-0735**

**[www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)**



*"Honesty, Integrity, Character"*

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**From:** Sonja Holbrook  
**Sent:** Friday, May 04, 2012 11:11 AM  
**To:** Mark Bannon E.  
**Cc:** Taruna Malhotra  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Good morning Mr. Bannon,



Emory's MPH program has a great reputation. I graduated from Tulane. I remember when I was in Guatemala completing my degree there were MPH students from Emory also in the country.  
I wish her well.

Please find the outstanding documents attached, which include:

1. Part A implementation overview highlighting the role of the BCC, Dept of Community Services, and the CARE Council. Please note that the CARE Council allocates funding to service categories and is not involved in determining funding levels for service providers, nor selecting service providers.
2. Peer Mentor Program Description: This description is directly from our RFP.
3. RFP justification, timeline, staff funding recommendations: These documents were attached to the BCC 2/7/12 agenda item and describe the process, as well as our Department's justification for the funding recommendations.
4. CARE Council minutes from January 2012

If there is anything else I can provide you with, please let me know.  
It was a pleasure meeting with you earlier this week.

Have a good weekend.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

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**From:** Mark Bannon E.  
**Sent:** Friday, May 04, 2012 7:53 AM  
**To:** Sonja Holbrook  
**Subject:** RE: Ryan White Part A Peer Mentor Program

Ms. Holbrook,

Thank you for your assistance in this matter.

By the way, I noticed on your business card that your graduate degree is in Public Health. My youngest daughter is at Emory University completing her Master's in Public Health.

Have a good weekend.

**Mark E. Bannon**  
**Senior Investigator**  
**Commission on Ethics**  
**Ph 561-233-0729**  
**Fx 561-233-0735**

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**From:** Sonja Holbrook  
**Sent:** Thursday, May 03, 2012 3:58 PM  
**To:** Mark Bannon E.  
**Subject:** Ryan White Part A Peer Mentor Program

Good afternoon Mr. Bannon,  
Below please find the email from the Health Department highlighting the details of Rafael Abadia's hire date and source of salary.

I am compiling the following documents, and plan to email them to you tomorrow.

- January CARE Council minutes
- RFP staff funding recommendations and justification
- Peer Mentor Program description
- Role of CARE Council/staff/Board of County Commissioners.

Sonja Swanson Holbrook, MPH  
Ryan White Program Manager  
Department of Community Services  
810 Datura Street  
West Palm Beach, FL 33401  
561-355-4730

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**From:** [Marianne\\_Santiago@doh.state.fl.us](mailto:Marianne_Santiago@doh.state.fl.us) [mailto:[Marianne\\_Santiago@doh.state.fl.us](mailto:Marianne_Santiago@doh.state.fl.us)]  
**Sent:** Thursday, May 03, 2012 7:12 AM  
**To:** Sonja Holbrook  
**Subject:** Peer Mentor

Sonja, We have one Peer Mentor (Rafael Abadia), who was hired on Friday, February 17, 2012. Funding for this position is received on our Schedule C detail from federal grants through the Florida Department of Health's Bureau of HIV/AIDS Program Office in Tallahassee. This position was initially funded by one federal grant, the Ryan White Part B Minority AIDS Initiative grant from February 17, 2012 through March 31, 2012. Effective April 1, 2012, the position is funded by the federal AIDS Prevention grant. Unless we are notified by the Bureau of HIV/AIDS, funding for this position is reoccurring. If you need any further information, feel free to email or call me at 671-4125. Marianne

**Mark Bannon E.**

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**From:** Mark Bannon E.  
**Sent:** Wednesday, July 18, 2012 8:41 AM  
**To:** Sonja Holbrook  
**Subject:** Meeting

Sonja,

First, let me apologize for this matter taking so long. We had a couple of serious and extended issues come up that forced me to put this aside for a while to concentrate on them.

Can you meet with me at your office sometime this week for 30-45 minutes. I just have some questions to discuss now that I have a little better understanding of the process. I have all day today, Thursday and Friday open if that works for you. If not, I have time next week as well.

I really need to finish this ASAP, so I would appreciate your help.

Also, do you have a contact telephone number for Marianne Santiago from Florida Department of Health? I need to discuss some things with her as well.

Thank you,

**Mark E. Bannon**  
Senior Investigator  
Commission on Ethics  
Ph 561-233-0729  
Fx 561-233-0735

[www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com)



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PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: October 18, 2011

Consent  
 Workshop

Regular  
 Public Hearing

Department

Submitted By: Community Services

Submitted For: Ryan White Part A and Part B

I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to adopt:** Resolution of the Board of County Commissioners of Palm Beach County, Florida, designating the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council, hereafter referred to as "CARE Council", as the HIV services planning council required under Part A of the Ryan White Act: repealing Resolution No. R97-1067; and updating grant title to Ryan White Part A and Part B.

**Summary:** The proposed Resolution changes the membership requirements of the HIV/AIDS Comprehensive AIDS Resources Emergency Council (CARE Council) to stipulate that the board be comprised of no more than 33 members. In addition, the Resolution will update the title of the grant which has changed to Ryan White Part A and Part B. (Ryan White) (Countywide) (TKF)

**Background and Justification:** On September 21, 1993, (R93-1182) as amended by R97-1067, the Board of County Commissioners established the CARE Council to plan for HIV/AIDS Services in Palm Beach County. The need has been identified to reduce the membership of the board. In addition, since the board's establishment the grant title has changed from being recognized as Ryan White Title I and Title II to Ryan White Part A and Part B. The proposed resolution will update the grant title and membership requirements.

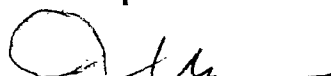
**Attachments:**

1. Proposed Resolution
2. Resolution No.97-1067

Recommended by: \_\_\_\_\_

Department Director

10/6/11  
Date



10-11-11

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING THE PALM BEACH COUNTY HIV COMPREHENSIVE AIDS RESOURCES EMERGENCY COUNCIL, HEREAFTER REFERRED TO AS "CARE COUNCIL", AS THE HIV SERVICES PLANNING COUNCIL REQUIRED UNDER PART A OF THE RYAN WHITE ACT: REPEALING RESOLUTION NO. R97-1067; AND UPDATING GRANT TITLE TO RYAN WHITE PART A AND PART B.**

**WHEREAS**, Palm Beach County has been identified as a locality which is disproportionately affected by the HIV epidemic and which has a substantial need for service; and

**WHEREAS**, the local demand for services far exceeds the capacity of local resources to meet that demand; and

**WHEREAS**, Congress has enacted the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, P.L. 101-381, as amended, for the purpose of providing emergency financial support services to persons affected by the AIDS epidemic; and

**WHEREAS**, the Ryan White Act requires a grantee to establish or designate a HIV Services planning Council; and

**WHEREAS**, the current HIV Services Planning Association has worked with the grantees for Ryan White Part B and Housing Opportunities for Persons With AIDS (HOPWA) funds to establish a coordinated planning and advisory body to enhance the delivery of services to HIV-infected persons in Palm Beach County, and has created the CARE Council; and

**WHEREAS**, the Palm Beach County Board of County Commissioners wishes to designate the CARE Council as the HIV Services Planning Council.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

- I. Designation of the CARE Council. The Board of County Commissioners hereby concurs with the establishment of a Board to be known as the Palm Beach County HIV Comprehensive AIDS Resources Emergency Council (CARE Council), and designates the CARE Council to serve as the Ryan White Part A HIV Services Planning Council as mandated under Part A of the Ryan White Act.
- II. Membership. The initial membership of the CARE Council shall consist of all members in good standing of the Palm Beach HIV Services Planning Council as constituted pursuant to Resolution R97-1067, on the day this resolution is enacted. Subsequently, the total membership shall be reduced to no more than 33 members through a process of attrition. As vacancies occur on the CARE Council, replacements shall be selected in accordance with the required "Nominations Process" which shall be adopted by the CARE Council. The nomination process must be in compliance with Article II of the CARE Council By-Laws and the requirements of Part A of the Ryan White Act, as amended.
- III. Meeting of the CARE Council: The Council may adopt such rules of procedure as it deems necessary. All meetings of the Council shall be open to the public and shall be subject to the requirement of Section 286.11, Florida Statutes. Palm Beach County will be provided copies of all agendas in advance of meetings and copies of all minutes of

## Palm Beach County HIV CARE Council

**Members:** Up to 45 total, all members of the PBC HIV Services Planning Council. Replacements are selected in accordance with the required nomination process adopted by the CARE Council.

The PBC HIV Services Planning Council, Part A, and the PBC AIDS Consortium, Part B, voted separately to recommend the establishment of one council to carry out the mandates of the Ryan White Treatment Modernization Act of 2006, Part A and Part B.

**Purpose:** To set priorities for the allocation of funds and develop a plan for the delivery of health services that are compatible with existing state or local plans regarding the provision of health services with HIV diseases; to assist with the efficiency of the administrative mechanism in allocating funds to the areas of greatest need; to assist in applying for grants; and to perform other such functions pursuant to the Ryan White Treatment Modernization Act of 2006.

**Meetings:** Last Monday of every other month, 3 p.m., at HIV CARE Council, 1440 Martin Luther King Blvd., Riviera Beach

**Liaison:** Community Services, 355-4730

**Care Council**

- o Home
- o Newsletter
- o Calendar
- o Meeting Minutes
- o Planning For Care
- o Quality Management
- o The REDBOOK
- o Local Services
- o Member Services
- o Provider Information
- o Join the Council
- o Contact Us

**Where We Are**

810 Datura street  
 West Palm Beach  
 Florida 33401  
 Phone: 561-844-4220  
 Fax: 561-844-3310

[Click here to view map](#)

**Palm Beach County HIV Care Council**



The Palm Beach County HIV CARE council is a community based organization supporting local public participation in the planning for a system of medical and support services for individuals and families living with HIV and AIDS. One of the founding themes of the CARE Council is the belief that people living with HIV/AIDS can live a better, healthier and more productive life with the most current treatments supported by the most practical supports. Thus, we are a partnership of medical and health support service providers, funders of those services as well as people using these services and people who love and care for those living with HIV.

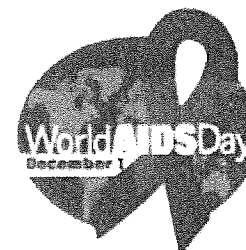
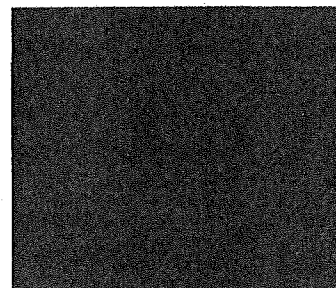
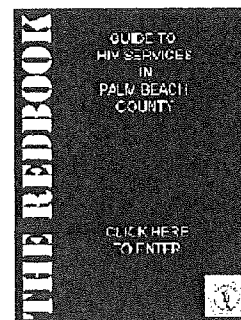
We welcome you to join us in bringing the most effective treatments for HIV/AIDS to those in need, and invite you to work toward providing those services in the most effective compassionate manner.

Responsibilities of the CARE Council are part of the Ryan White HIV/AIDS Treatment Modernization Act. Under this federal legislation areas of the United States which are hit especially hard by the AIDS pandemic receive federal funds to assist in fighting the effects of the disease.

Members of the CARE Council are nominated through a process which is open to public participation. Appointment to the Council is made by the Palm Beach County Board of County commissioners for a two year term. Membership is guided by federal principals guiding participation which reflects the demographic make up of the disease in this county.

The majority of the work of the Council is done in committee and brought to the full Council for approval. All meetings of the Palm Beach County HIV CARE Council are open to the public and are run under aspects of Florida's Open Meetings Act, also referred to as the Sunshine Law.

**Links**

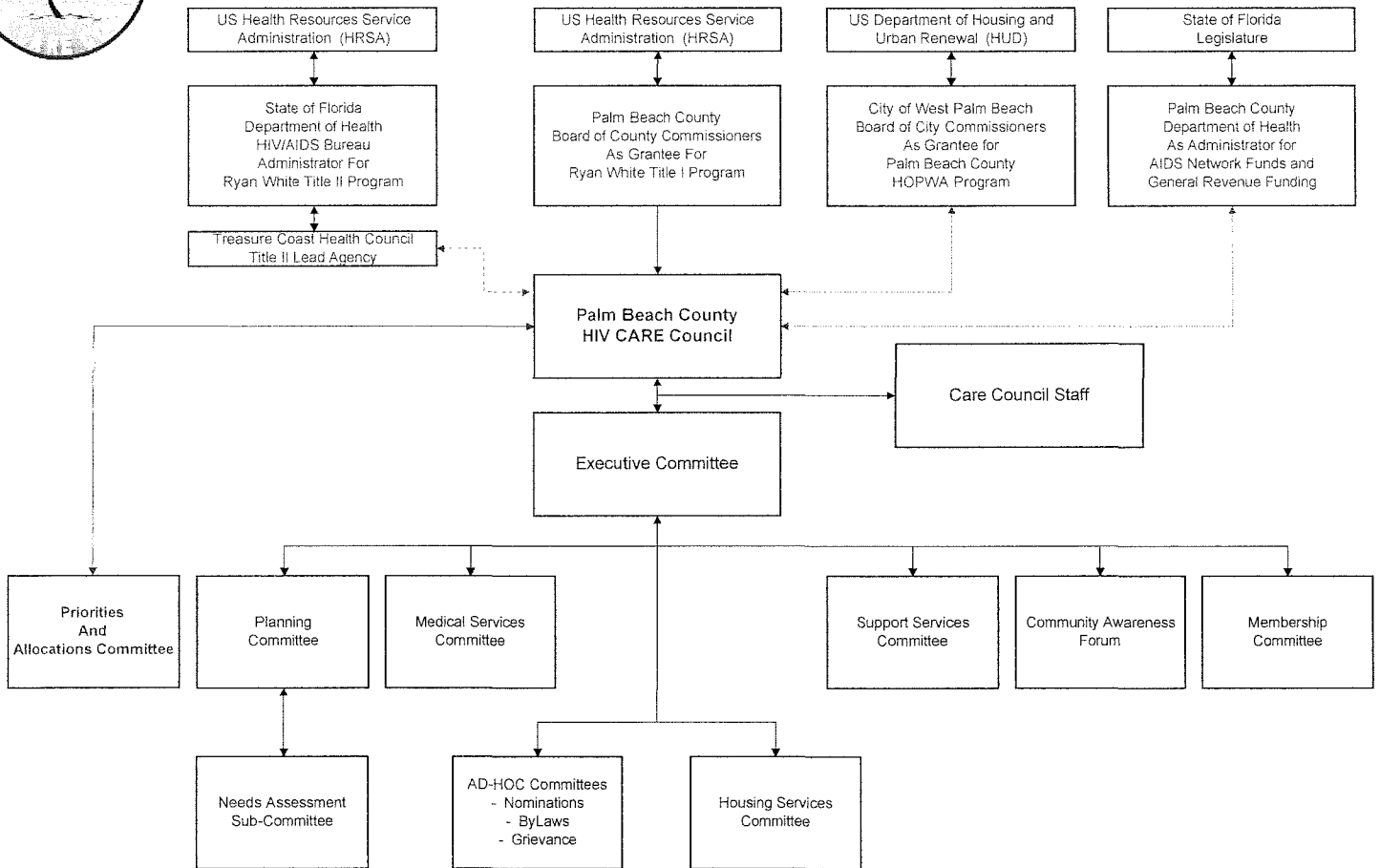


[CLICK HERE FOR THIS YEAR'S EVENTS](#)





# Palm Beach County HIV CARE COUNCIL





To: All Ryan White Treatment Modernization Act Program staff  
Subject: Ryan White Treatment Modernization Act – Monitoring process

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Purpose Establish an active management system that supports continuous improvement in accordance with the Ryan White Treatment Modernization Act regulations and policies.

Authority Health Resources & Services Administration (HRSA) - Ryan White Treatment Modernization Act

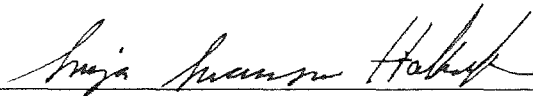
Policy Ryan White Care Act Program and Fiscal Monitors will monitor the Ryan White Treatment Modernization Act contracted agencies once per year on policies, procedures, and contract compliance. The Program Manager will coordinate with management and Agencies to ensure reports are disseminated and appropriate corrections are made in a timely manner.

Procedures

1. The program/fiscal monitor(s) will visit all agencies on an annual basis, as a minimum. The HRSA manual is used as guidance for all monitoring, along with our own locally developed tools.
2. The sample size of the client chart review will be determined according to the chart randomization selection methodology in the Quality Management Plan (see page 19 of attachment A)
3. The Contract Evaluation Report will be completed once a year for each Ryan White Part A funded agency (see attachment B).
4. Chart review will require the completion of the Ryan White Chart Review Form (see attachment C).
5. The fiscal Audit Guide (see attachment E) will be completed once a year for each Ryan White Part A funded agency.
6. The fiscal monitor(s) will review the client database charts, and physical charts if necessary, to verify and reconcile reimbursements submitted to the County.
7. The program/fiscal monitor(s) will conduct an informal debriefing, at the end of the visit, with the Agency Director or designated staff.
8. The program/fiscal monitor(s) will prepare a written report within thirty days, summarizing the visit.

*Revised August 2010*

9. Summary site reviews are submitted to the Program and Fiscal Managers for review, signature, and distribution. Letters will be distributed to Agencies, with a hard copy being filed in the Grantee office and an electronic copy of the report will be available on the "T" drive.
10. The Agency Director and staff will formulate a corrective action plan, if needed, within fifteen business days from the time the written report is received, and return to the Program Manager. A copy of the Corrective Action Plan will be filed in the Grantee office. Agencies will be required to implement corrective action plans immediately.
11. The program/fiscal monitor(s) will return to the site for a follow-up monitoring to ensure compliance with the corrective action plan, when necessary.
12. If applicable, the Program Manager will provide training/technical assistance via in house staff or HRSA contracted consultants.
13. If an agency would like to file an appeal regarding findings by County monitors, the agency must do so in writing. The request for appeal must be completed by the agency and submitted no later than fifteen business days after receipt of the County's summary site review. The appeal must be addressed to the Department Director and provide justification for such action.



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Sonja Swanson Holbrook  
Ryan White Treatment Modernization Act, Program Manager



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Channell Wilkins  
Community Services Department, Director

**Palm Beach County HIV CARE Council**  
**Council Policy**

Policy Number: 21  
Approved: April 30, 2001  
Amended: January 26, 2004  
Amended: August 29, 2005  
Issue: **Priorities and Allocations Policy Regarding Providers**

**Provider (Service Provider):**

Any agency receiving Coordinated Services Network (CSN) Funding (Ryan White Part A, Ryan White Part B, Housing Opportunities for Persons with AIDS (HOPWA), AIDS Network, County Health Department HIV/AIDS, or any future funders).

**Rule:**

It is a policy of the Palm Beach County HIV CARE Council that the Priorities and Allocations Committee shall consist of a maximum of twelve (12) members with maximum of one third (1/3) members who are providers. There shall not be more than one (1) representative from any provider agency.

# Palm Beach County HIV CARE Council

## Inventory of Seats

Updated 10/26/2011

Grey Shading = Federally Mandated Seat    Pastel Shading = Federally Mandated Category    **Bold = OPEN CHAIR**

Underlined Blue = Waiting for CC seat change approval    Underline Green = Waiting for BCC approval

SEAT	PROVIDERS - SEATS 1-11	OCCUPANT	POSITION/ORGANIZATION	TERM EXPIRES	DEMOGRAPHIC INFO.
1	Health care provider, including federally qualified health centers	Lorenzo Robertson	PBC Health Department		BM
2	<u>CBO's serving affected populations/ASO's</u>	<u>Vicki Ann Tucci</u>	<u>Legal AID Society of Palm County Inc.</u>		<u>WF</u>
3	<b>CBO's serving affected populations/ASO's</b>	<b>OPEN CHAIR</b>			
4	<b>CBO's serving affected population/ASO's</b>	<b>OPEN CHAIR</b>			
5	<b>Social Service Providers, including housing and homeless service providers</b>	<b>OPEN CHAIR</b>			
6	<b>Social Service Providers, including housing and homeless service providers</b>	<b>OPEN CHAIR</b>			
7	Social Service Providers, including housing and homeless services providers	Kimberly Rommel-Enright	Legal AID Society of Palm County Inc.		WF
8	<b>Social Service Providers, including housing and homeless service providers</b>	<b>OPEN CHAIR</b>			
9	Mental Health and/or Substance Abuse Provider	Thomas McKissack	Oakwood Center		BM
10	Substance Abuse and/or Mental Health Providers	Rosalyn Collins	Gratitude House		BF
11	Local Public Health Agencies	Mary Piper Kannel	PBC Health Department		WF

# Palm Beach County HIV CARE Council

## Inventory of Seats

SEAT	AFFECTED COMMUNITIES, INCLUDING PLWH AND HISTORICALLY UNDER-SERVED SUBPOPULATIONS AND/OR INDIVIDUALS CO-INFECTED WITH HEPATITIS B/C – SEATS 12 - 22	OCCUPANT	POSITION/ ORGANIZATION	TERM EXPIRES	DEMOGRAPHIC INFO.
12	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Mary Jane Reynolds	Community Member		BF
13	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Kenny Talbot	Community Member		W/HISM
14	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Glenn Krabec, PhD	Community Member		WM
15	<b>Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C</b>	<b>OPEN CHAIR</b>			
16	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Cecil Smith	Community Member		BM
17	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Bobbie Cleveland	Community Member		BF
18	<u>Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C</u>	<u>Melissa McGee</u>	<u>Community Member</u>		<u>BF</u>
19	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Shirley Samples	Community Member		BF
20	<u>Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C</u>	<u>Don Hilliard</u>	<u>Community Member</u>		<u>WM</u>
21	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Laurence Osband	Community Member		WM
22	Affected Communities, including PLWH and historically under-served subpopulations and/or individuals co-infected with Hepatitis B/C	Rafael Abadia	Community Member		HISM

# Palm Beach County HIV CARE Council

## Inventory of Seats

SEAT	NON-ELECTED COMMUNITY LEADERS – SEATS 23 - 33	OCCUPANT	POSITION/ ORGANIZATION	TERM EXPIRES	DEMOGRAPHIC INFO.
23	Non-Elected Community Leaders	OPEN CHAIR			
24	Non-Elected Community Leaders	Juny Tetevi	CommCare Pharmacy		BF
25	Non-Elected Community Leaders	OPEN CHAIR			
26	Non-Elected Community Leaders	OPEN CHAIR			
27	Non-Elected Community Leaders	OPEN CHAIR			
28	<u>State Medicaid Agency</u>	<u>Cindy Barnes</u>	<u>Medicaid</u>		<u>WF</u>
29	<u>State Part B Agency</u>	<u>Dr. Marlinda Jefferson</u>	<u>Minority Dev. &amp; Empowerment</u>		<u>HISF</u>
30	Hospital Planning Agencies or other health care planning agencies	OPEN CHAIR			
31	<u>Part D, or if none present, representatives of organizations addressing the needs of children, youth, and families with HIV</u>	<u>Shantreirra Monroe</u>	<u>Families First</u>		<u>BF</u>
32	Other Federal HIV Programs, including HIV Prevention Program	Nichole Leidesdorf	Compass Inc		WF
33	Representative of/ or formerly incarcerated PLWH	OPEN CHAIR			

Demographic Info Key: BF= Black Female, BM= Black Male, HAIF= Haitian Female, HAIM= Haitian Male, WF= White Female, WM= White Male, HISF= Hispanic Female, HISM= Hispanic Male

**CARE Council Attendance Record FY 2010-2011 Floating Calendar**

**CARE Council Attendance 2010-2011**

2010-2011	2010	2010	2010	2011	2011	2011	2011	2011		% Attended Incl. EX	Missed 3+ consecutive	# Attended	# Meetings
Members	July	Sept *	Nov.	Jan	May	June	July	August					
Rafael Abadia	✓		✓	✓	✓	✓	✓	✓		88%		7	8
William Albury	✓									13%	7	1	8
Cindy Barnes	✓	✓ E	✓	✓	✓		✓			75%		6	8
Bobbie Cleveland		✓ E	✓	✓	EX	✓	✓	✓		88%		7	8
Rosalyn Collins	EX		EX	✓	✓			✓		63%		5	8
Kimberly Rommel-Enright	✓	✓ E	✓	✓	✓	✓	✓	✓		100%		8	8
Don Hilliard	✓	✓ E	✓	EX	✓	✓	EX	EX		100%		8	8
Marlinda Jefferson	✓	✓ E	✓	✓	✓	✓	✓	✓		100%		8	8
Mary Kannel	✓	✓ E	✓	✓	✓	✓	EX	✓		100%		8	8
Glenn Krabec	✓	✓ E	✓		✓	✓	✓	✓		71%		7	8
Nicole Ledesdorf							✓	✓		100%		2	2
Sha'Wanda Manuel							✓	✓		100%		2	2
Larry Osband	✓	✓ E	✓	✓	✓	✓	✓	✓		100%		6	8

**CARE Council Attendance Record FY 2010-2011 Floating Calendar**

**Thomas McKissack		✓	E		**✓	**✓	**✓	✓	✓		67%		6	8
Shantreirra Monroe								✓	✓		100%		2	2
Jennifer Piva	✓	✓	E	✓		EX				50%		4	8	
Mary Jane Reynolds	✓	✓	E	✓	✓	✓	✓	✓	✓		100%		8	8
Lorenzo Robertson	EX	✓	E	✓	✓	EX	✓	✓	✓		100%		8	8
Shirley Samples	✓	✓	E	✓	EX	✓	✓	✓	✓		100%		8	8
Cecil Smith	✓	✓	E	✓	✓	✓	✓	✓	✓		100%		8	8
Kenny Talbot				✓	EX	✓	✓	✓	✓		100%		6	6
Juny Tetevi								✓			50%		1	2
Vicki Tucci								✓	✓		100%		2	2
No longer on the Committee**														
New Member														

\* Requested a leave of absence

# Requested a non medical excused

\*\* Please note—Thomas McKissack  
attendance  
since January 2011



## Ryan White Program GY 2012 RFP Process-Timeline & Notes

The Ryan White RFP award process includes the following schedule of events:

- |   |                     |
|---|---------------------|
| • RFP available for distribution (9:00 AM EST- 5:00 PM EST)                               | 9/19/11-10/21/11    |
| • Pre-Proposal Conference (10:00 AM EST)  | 9/23/11             |
| • Deadline for receipt of proposal(s) (5:00 PM EST)                                       | 10/24/11            |
| • Provider Meeting  | 11/2/11             |
| • Selection Review Committee Training (Publicly Noticed)                                  | 11/4/11             |
| • Selection Review Committee Meeting (Publicly Noticed)                                   | 11/18/11 & 11/21/11 |
| • Provider Meeting  | 1/4/12              |
| • RFP Question and Answer Session (Publicly Noticed)                                      | 2/1/12              |
| • Board of County Commissioners consideration of award recommendations (Publicly Noticed) | 2/7/12              |

Notes:

1. The scoring criteria can be found in the RFP.
2. Provider meetings included the following announcements:
  - details of RFP selection review committee including the member's names, meeting date and location, and that the meeting would be publicly noticed.
  - Priorities and Allocations Committee and CARE Council meetings dates 11/15/11 and 12/5/11, respectively where they would be voting on the GY 12 budget.
  - funding recommendations would go to the BCC on 1/24/12.
  - the applicants for Case Management (Non-Medical) Determining Eligibility were non-responsive and agency allocations are not being recommended at this time.
3. The three applicants for Case Management (Non-Medical) Determining Eligibility were non-responsive and agency allocations are not being recommended at this time. The Department will initiate negotiations with agencies for eligibility services and address in future contracts. In order to ensure seamless eligibility screening, since services start March 1, 2012, we would like to contract with the agencies that currently provide eligibility screening (Comprehensive AIDS Program, Inc. and Compass, Inc.) for the first quarter (this has been amended to the first six months) of the grant year at the Case Management (Non-Medical) rate listed in the RFP.
4. The selection review committee members included:  
Sonja Swanson Holbrook- Ryan White Program Manager  
Shoshana Ringer- Ryan White Quality Management Coordinator  
Cecil Smith- CARE Council Member and State Patient Care Planning Group- Palm Beach County representative  
Rafael Abadia- CARE Council Vice Chair  
Shaundelyn Degraffenreid- Quality Management Coordinator Broward County Ryan White Program



## Ryan White Request for Proposals Funding Recommendation Narrative

The description below contains the rationale for the staff recommended Ryan White Program GY 2012 funding, based on the outcome of the recently issued Request for Proposals (RFP).

### **Outpatient/Ambulatory Medical Care (health services)**

**1 unit = 1 visit**

Recommendation: Funding for Palm Beach County Health Department and Foundcare, Inc., which currently provide the service. Both received high scores. The funding amount is for the full amount requested. Treasure Coast Health Council, Inc. is currently ineligible, because they propose to establish contracts with for-profit providers. Per HRSA Policy Notice 11-02 we are not able to reimburse for services provided by a for-profit entity if there is a public provider able to provide the service. This policy is attached to the RFP.

### **Laboratory Diagnostic Testing**

**1 unit = 1 lab test**

Recommendation: Funding for Palm Beach County Health Department and Foundcare, Inc., which currently provide the service. Both received high scores. The funding amount is for the full amount requested. Treasure Coast Health Council, Inc. is currently ineligible, because they propose to establish contracts with for-profit providers. Per HRSA Policy Notice 11-02 we are not able to reimburse for services provided by a for-profit entity if there is a public provider able to provide the service. This policy is attached to the RFP.

### **Drug Reimbursement Program**

**1 unit = 1 prescription**

Recommendation: Funding for Health Care District of Palm Beach County, which currently provides the service, with the exception of Pediatric AZT services. The Health Care District of Palm Beach County was the only applicant for this service. The funding recommendation is for the full amount requested. There were no applicants for Pediatric AZT services.

### **Specialty Outpatient Medical Care**

**1 unit = 1 visit**

Recommendation: Funding for Treasure Coast Health Council, Inc., (TCHC) which currently provides the service. TCHC was the only applicant. The amount awarded is less than the request due to the amount allocated by the CARE Council.

**Oral Health Care**

**1 unit = 1 dental visit**

Recommendation: Funding for Palm Beach County Health Department (PBCHD) and Foundcare, Inc., which currently provide the service. Both applications received high scores. The PBCHD funding amount is for the full amount requested, since they have an existing program. Foundcare Inc.'s dental program is not currently implemented, so it is recommended that they received most of the balance of the funding allocated by the CARE Council.

**Early Intervention Services (EIS)**

**Reimbursed through Full Time Equivalent (FTE)**

Recommendation: Funding for Palm Beach County Health Department which has the highest score. The funding amount is for the full amount requested. The CARE Council only allocated enough funding for one program.

**Nurse Care Coordination**

**1 unit = 15 minute visit**

Recommendation: Funding for Palm Beach County Health Department and Foundcare, Inc. which currently provide the service. The funding is for the full amount requested.

**Health Insurance Premium & Cost Sharing Assistance**

**1 unit = 1 month of assistance**

Recommendation: Funding for Comprehensive AIDS Program of Palm Beach County, Inc. (CAP), which currently provides the service. The amount awarded is less than the request due to the amount allocated by the CARE Council.

Factors considered beyond scoring: CAP is the recipient of the State's AIDS Insurance Continuation Program, which this service category supplements. CAP requested the vast majority of the funding. The other applicants, Treasure Coast Health Council, Inc. and Palm Beach County Health Department may be reimbursed by using current system in place at CAP.

**Home and Community-based Health Services**

**1 unit = 1 hour**

Recommendation: Funding for Foundcare, Inc. which currently provides the service. They were the only applicant. The award is less than the requested amount based on CARE Council's allocation, which is level funding for the current grant year.

**Mental Health Services**

**1 unit = 1 hour**

Recommendation: Funding for Compass, Inc. and Foundcare, Inc., which have the highest scores. Both agencies currently provide the service. Prorated award based on the CARE Council allocation and the number of clients to be served during the current grant year.

**Medical Case Management Services**

**Medical Case Management**

**1 unit = 15 minute visit**

**Average minimum case load requirement = 60**

Recommendation: Funding for Compass, Inc. and Comprehensive AIDS Program of Palm Beach County, Inc. that have the highest scores. The funding is based on the CARE Council allocation and proportional to the number of clients proposed to serve which is 16% for Compass, Inc. and 84% for Comprehensive AIDS Program of Palm Beach County, Inc.

**Peer Mentor Program**

**1 unit = 15 minute visit**

Recommendation: Funding for Comprehensive AIDS Program of Palm Beach County, Inc. and the Palm Beach County Health Department the applicants with the highest scores. The funding amounts are for the full amounts requested.

**Treatment Adherence**

**1 unit = 15 minute visit**

Recommendation: Funding for the Palm Beach County Health Department (PBCHD), which has the highest score. Additionally, the PBCHD's program is better able to track health outcomes. The amount awarded is less than the request due to the amount allocated by the CARE Council.

**Substance Abuse Services Outpatient**

**1 unit = 1 hour**

Recommendation: Funding for Gratitude House, Inc. which is the only applicant. They are the current provider. The funding amount is for the full amount requested.

## **Case Management (non-Medical)**

### **Supportive Case Management**

**Average minimum case load requirement = 120 clients**

Recommendation: Funding for Compass, Inc. and Comprehensive AIDS Program of Palm Beach County, Inc. proportional to the number of clients proposed to serve.

### **Determining Eligibility**

**Reimbursed through Full Time Equivalent (FTE)**

**Average number of eligibility screenings per year per FTE = 825**

Recommendation: The three applicants, Treasure Coast Health Council, Inc., Comprehensive AIDS Program of Palm Beach County, Inc. and Compass, Inc. were non-responsive. Agency allocations are not being recommended at this time. The Department will initiate negotiations with agencies for eligibility services and address in future contracts. Services start March 1, 2012. In order to ensure seamless eligibility screening we would like to contract with the agencies that currently provide eligibility screening (Comprehensive AIDS Program of Palm Beach County, Inc. and Compass, Inc.) for the first six months of the grant year at the Non-Medical Case Management rate listed in the RFP.

## **Housing Services**

**1 unit = 1 day**

Recommendation: No award at this time. The CARE Council did not allocate funding. During the RFP Pre-Proposal Conference it was announced that this service will most likely only be funded if there is a large increase in funding. The service was included in the RFP to allow for the opportunity to fund Housing Services if an increase in funding is received during the three year RFP cycle.

## **Substance Abuse Services: Residential**

**1 unit = 1 day**

Recommendation: Funding for Foundcare, Inc., which was the only applicant. The amount awarded is less than the request due to the amount allocated by the CARE Council.

**Food Bank/Home-Delivered Meals****1 unit = 1 voucher**

Recommendation: Funding for Compass, Inc. and Comprehensive AIDS Program of Palm Beach County, Inc. Allocations for support services (e.g. food, transportation, and emergency financial assistance) should reflect the proportion of the number of clients they propose to provide medical case management services. Comprehensive AIDS Program of Palm Beach County, Inc. proposes to serve 84% and Compass, Inc. proposes to serve 16% of the medically case managed clients. Compass applied for less than 16% of the CARE Council allocation therefore received their full requested amount and Comprehensive AIDS Program will receive the balance of the allocation which is less than the requested amount.

**Emergency Financial Assistance****1 unit = 1 emergency assistance**

Recommendation: Funding for Compass, Inc. and Comprehensive AIDS Program of Palm Beach County, Inc. Allocations for support services (e.g. food, transportation, and emergency financial assistance) should reflect the proportion of the number of clients they propose to provide medical case management services. Comprehensive AIDS Program of Palm Beach County, Inc. proposes to serve 84% and Compass, Inc. proposes to serve 16% of the medically case managed clients. Compass applied for less than 16% of the CARE Council allocation therefore received their full requested amount and Comprehensive AIDS Program will receive the balance of the allocation which is less than the requested amount.

**Medical Transportation****1 unit = 1 trip/voucher**

Recommendation: Funding for Compass, Inc. and Comprehensive AIDS Program of Palm Beach County, Inc. Allocations for support services (e.g. food, transportation, and emergency financial assistance) should reflect the proportion of the number of clients they propose to provide medical case management services. Comprehensive AIDS Program of Palm Beach County, Inc. proposes to serve 84% and Compass, Inc. proposes to serve 16% of the medically case managed clients. Compass applied for less than 16% of the CARE Council allocation therefore received their full requested amount and Comprehensive AIDS Program will receive the balance of the allocation which is less than the requested amount.

**Legal Services****1 unit = 1 hour**

Recommendation: Funding for Legal Aid Society of Palm Beach County, Inc., which is the only applicant. The amount awarded is less than the request due to the amount allocated by the CARE Council.

## **Linguistics Services**

**1 unit = 15 minute visit**

Recommendation: No award at this time. The CARE Council did not allocate funding. During the RFP Pre-Proposal Conference it was announced that this service will most likely only be funded if there is a large increase in funding. The service was included in the RFP to allow for the opportunity to fund Linguistic Services if an increase in funding is received during the three year RFP cycle.

## **CARE Council Support**

Recommendation: Funding for Treasure Coast Health Council, Inc. They were the only applicant, and currently provide the service. The CARE Council does not allocate funding for this category, as it is from the 10% administration the County receives to manage the grant. The award amount is the amount requested, which is level funding for the current year.

## **Definitions:**

**Ryan White Part A** is awarded in two amounts, Formula and Supplemental. The Formula award is based on our numbers of HIV/AIDS cases. The Supplemental award is based on our federal grant application score.

**Ryan White Minority AIDS Initiative (MAI)** is to be awarded to increase the numbers of minority populations receiving primary medical care.

**Case Management (Non Medical) – Determining Eligibility services** will carve this task out of what medical and non-medical case managers were responsible for previously. Our vision is to have a small core group of eligibility workers, who are well trained and knowledgeable of the services available and the eligibility criteria for each service. Additionally, we expect the process of scanning eligibility documents in to our client database to be streamlined. All of the above will ensure eligibility is being done consistently. As the federal government increases scrutiny and oversight of the Ryan White program eligibility has become a focal point. This is one way Palm Beach County is doing their due diligence to ensure Ryan White is the payer of last resort.

**Ryan White GY 2012 Award Recommendations**  
 Per HRSA, administration is limited to 10% of the award.

Proposed Service	Agency	CARE Council Allocation	Request	Proposed Award		Average Score
				Part A	MAI	
<b>Outpatient/Ambulatory Medical Care</b>						
Part A	FoundCare, Inc.		\$ 36,000	\$36,000		94.75
Part A	Palm Beach County Health Department		\$ 647,460	\$647,460		99
Part A	Treasure Coast Health Council, Inc.		\$ 20,000	\$0		99
	<b>Total</b>		<b>\$850,000</b>	<b>\$683,460</b>		
<b>Laboratory Diagnostic Testing</b>						
Part A	FoundCare, Inc.		\$ 66,000	\$66,000		96
Part A	Palm Beach County Health Department		\$ 896,678	\$896,678		99.25
Part A	Treasure Coast Health Council, Inc.		\$ 20,000	\$0		98.25
	<b>Total</b>		<b>\$1,050,000</b>	<b>\$962,678</b>		
<b>Drug Reimbursement Program</b>						
Part A	Health Care District of Palm Beach County		\$ 760,000	\$760,000		84.2
Part A	Health Care District of Palm Beach County		\$ 15,403	\$15,403		82.2
	<b>Total</b>		<b>\$778,484</b>	<b>\$775,403</b>		
<b>Specialty Outpatient Medical Care</b>						
Part A	Treasure Coast Health Council, Inc.		\$ 432,185	\$350,000		97.5
	<b>Total</b>		<b>\$350,000</b>	<b>\$350,000</b>		
<b>Oral Health Care</b>						
Part A	FoundCare, Inc.		\$ 39,000	\$1,000		94.25
Part A	Palm Beach County Health Department		\$ 425,700	\$425,700		99.25
	<b>Total</b>		<b>\$426,737</b>	<b>\$426,700</b>		
<b>Early Intervention Services</b>						
Part A	Compass, Inc.		\$ 125,000	\$0		83.5
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 280,731	\$0		93.5
Part A	Minority Development and Empowerment, Inc.		\$ 164,845	\$0		63.75
Part A	Palm Beach County Health Department		\$ 156,000	\$156,000		99
	<b>Total</b>		<b>\$190,000</b>	<b>\$156,000</b>		
<b>Nurse Care Coordination</b>						
Part A	FoundCare, Inc.		\$ 20,000	\$20,000		94
Part A	Palm Beach County Health Department		\$ 76,000	\$76,000		99.25
	<b>Total</b>		<b>\$99,695</b>	<b>\$96,000</b>		
<b>Health Insurance Premium &amp; Cost Sharing Assistance</b>						
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 299,249	\$235,000		94.5
Part A	Palm Beach County Health Department		\$ 10,000	\$0		93.5
Part A	Treasure Coast Health Council, Inc.		\$ 30,100	\$0		96.5
	<b>Total</b>		<b>\$235,000</b>	<b>\$235,000</b>		
<b>Home and Community Based Health Services</b>						
Part A	FoundCare, Inc.		\$ 122,011	\$77,017		91.25
	<b>Total</b>		<b>\$77,017</b>	<b>\$77,017</b>		



<b>Mental Health Services</b>						
Part A	Compass, Inc.		\$ 80,000	\$65,951		87.75
Part A	FoundCare, Inc.		\$ 156,148	\$23,742		93.75
Part A	Minority Development and Empowerment, Inc.		\$ 128,124	\$0		64.5
<b>Total</b>			<b>\$89,693</b>	<b>\$89,693</b>		
<b>Medical Case Management Services</b>						
MAI	Minority Development and Empowerment, Inc.		\$ 145,778	\$0		71
Part A	Compass, Inc.		\$ 270,000	\$159,131		87
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 2,295,762	\$835,438	\$577,235	94
<b>Total</b>			<b>Part A: \$994,569</b>	<b>\$994,569</b>		
<b>Total</b>					<b>MAI: \$577,235</b>	<b>\$577,235</b>
<b>Peer Mentor Program</b>						
Part A	Compass, Inc.		\$ 50,000	\$0		49.75
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 205,842	\$205,842		94
Part A	Minority Development and Empowerment, Inc.		\$ 127,350	\$0		55.5
Part A	Palm Beach County Health Department		\$ 41,500	\$41,500		98
<b>Total</b>			<b>\$250,000</b>	<b>\$247,342</b>		
<b>Treatment Adherence</b>						
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 75,602	\$0		91.25
Part A	Palm Beach County Health Department		\$ 124,000	\$115,526		98.75
<b>Total</b>			<b>\$115,526</b>	<b>\$115,526</b>		
<b>Substance Abuse Services Outpatient</b>						
Part A	Gratitude House, Inc.		\$ 17,120	\$17,120		81.4
<b>Total</b>			<b>\$18,456</b>	<b>\$17,120</b>		
<b>Case Management (Non Medical)</b>						
<b>Supportive Case Management</b>						
Part A	Compass, Inc.		\$ 75,000	\$75,000		86.5
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 201,599	\$25,000		96.25
<b>Total</b>			<b>\$100,000</b>	<b>\$100,000</b>		
<b>Case Management (Non-Medical)</b>						
<b>Determining Eligibility*</b>						
Part A	Compass, Inc.		\$ 70,000	\$0		84.25
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 497,168	\$0		93
Part A	Treasure Coast Health Council, Inc.		\$ 543,121	\$0		97.25
<b>Total</b>				<b>\$653,511</b>		
<b>Housing Services</b>						
Part A	FoundCare, Inc.		\$ 143,456	\$0		94.75
<b>Total</b>			<b>\$0</b>	<b>\$0</b>		
<b>Substance Abuse Services: Residential</b>						
Part A	FoundCare, Inc.		\$ 30,940	\$3,000		93.5
<b>Total</b>			<b>\$3,000</b>	<b>\$3,000</b>		
<b>Food Bank/Home Delivered Meals</b>						
Part A	Compass, Inc.		\$ 12,000	\$12,000		89.25
Part A	FoundCare, Inc.		\$ 201,236	\$162,035		91.75
<b>Total</b>			<b>\$174,035</b>	<b>\$174,035</b>		

<b>Emergency Financial Assistance</b>						
Part A	Compass, Inc.		\$ 10,000	\$10,000		93.75
Part A	FoundCare, Inc.		\$ 89,840	\$54,491		94.5
Part A	Minority Development and Empowerment, Inc.		\$ 13,199	\$0		64.75
<b>Total</b>			<b>\$64,491</b>	<b>\$64,491</b>		
<b>Medical Transportation</b>						
Part A	Compass, Inc.		\$ 8,000	\$8,000		93.5
Part A	FoundCare, Inc.		\$ 147,048	\$103,954		91.25
Part A	Minority Development and Empowerment, Inc.		\$ 9,504	\$0		70.75
<b>Total</b>			<b>\$111,954</b>	<b>\$111,954</b>		
<b>Legal Services</b>						
Part A	Legal Aid of Palm Beach County, Inc.		\$ 270,000	\$255,000		94.4
<b>Total</b>			<b>\$255,000</b>	<b>\$255,000</b>		
<b>Linguistic Services</b>						
Part A/MAI	Comprehensive AIDS Program, Inc.		\$ 217,565	\$0		87.75
<b>Total</b>			<b>\$0</b>	<b>\$0</b>		
<b>CARE Council Support</b>						
Part A	Treasure Coast Health Council, Inc.		\$ 103,000	\$103,000		98
<b>Total</b>			<b>\$103,000</b>	<b>\$103,000</b>		

\* All applicants were non-responsive. The department will negotiate with the applicants. cut off score set at 75% unless no other applicant

**RYAN WHITE PART A IMPLEMENTATION OVERVIEW**

<p>CHIEF ELECTED OFFICIAL (CEO): <i>Palm Beach County Board of County Commissioners</i></p> <p>Designates planning council</p> <p>Must distribute funds in accordance with planning council priorities</p>	<p>GRANTEE: <i>Department of Community Services</i></p> <p>Administers funds in accordance with planning council priorities</p> <p>Selects providers and contractors</p> <p>Prepares grant applications to HRSA and reports</p> <p>Monitors contract activities; provides reports to planning council</p> <p>Works with the planning council to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Set process and dates for allocation of funds</li> <li><input type="checkbox"/> Support planning council work</li> <li><input type="checkbox"/> Conduct comprehensive needs assessment</li> <li><input type="checkbox"/> Establish grievance procedures</li> </ul>	<p>PLANNING COUNCIL: <i>Palm Beach County HIV CARE Council</i></p> <p>Develops comprehensive plan consistent with state and local plans</p> <p>Establishes priorities and allocates funds across service categories</p> <p>Assesses the efficiency of the administrative mechanism for the allocation of funds</p> <p>Assesses, at its discretion, the effectiveness of services offered in meeting identified needs</p> <p>Participates in the development of the Statewide Coordinated Statement of Need (SCSN)</p>
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### Sonja Holbrook

Ryan White Program Manager

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Full Name:	Sonja Holbrook
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Last Name:	Holbrook
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Public Facing Phone:	561 355-4700
Company:	PBC - Board of County Commissioners
Department:	Community Services
PBC Division:	Ryan White Act Care Program
Title:	Ryan White Program Manager
Location:	Community Services Administration
Address:	810 Datura St <a href="#">Map</a> FL 33401
Manager:	Renee R Constantino
Direct Reports:	Nadia E Barreto-Najarro

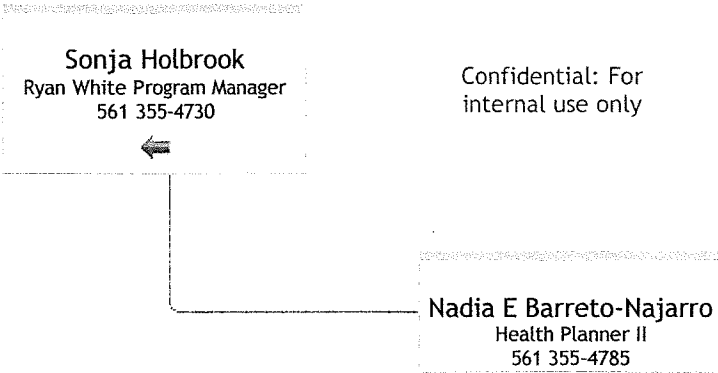
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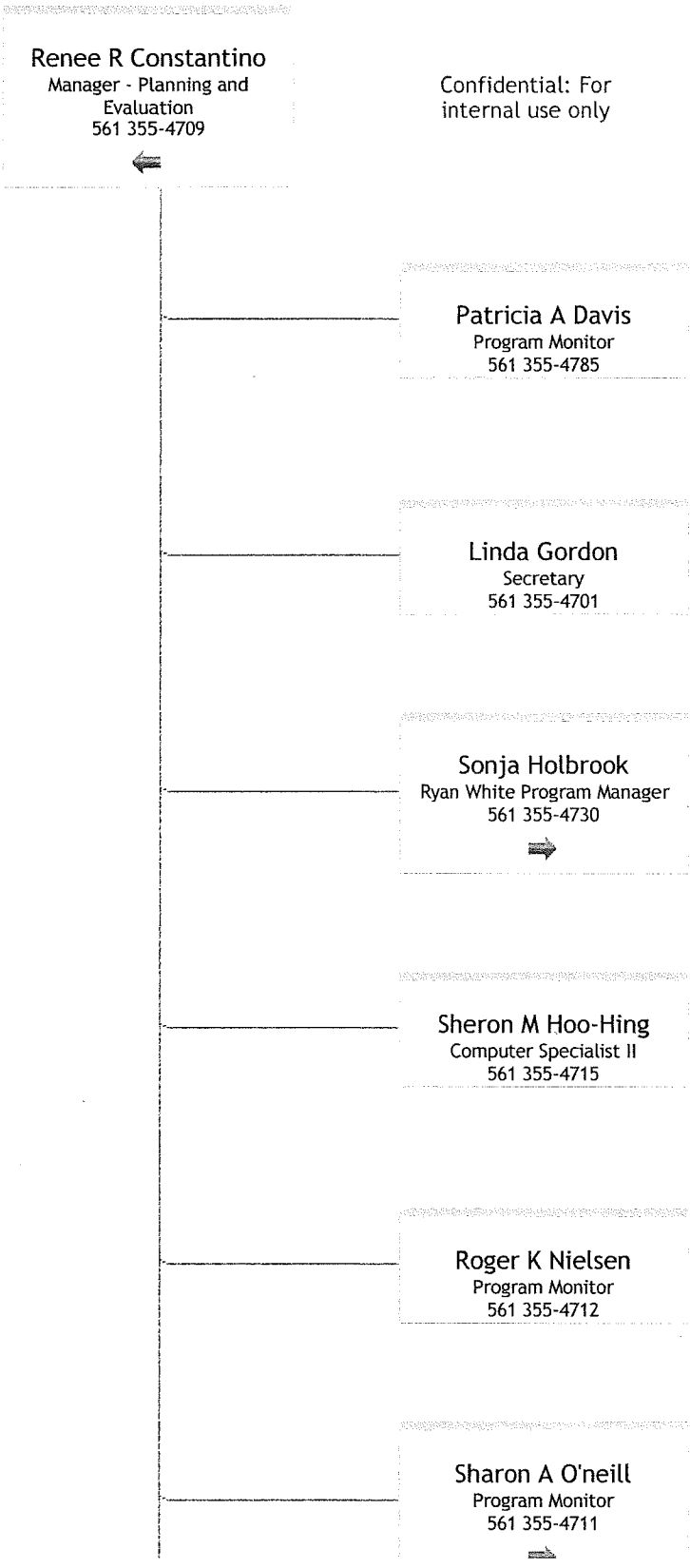


## Organizational Chart

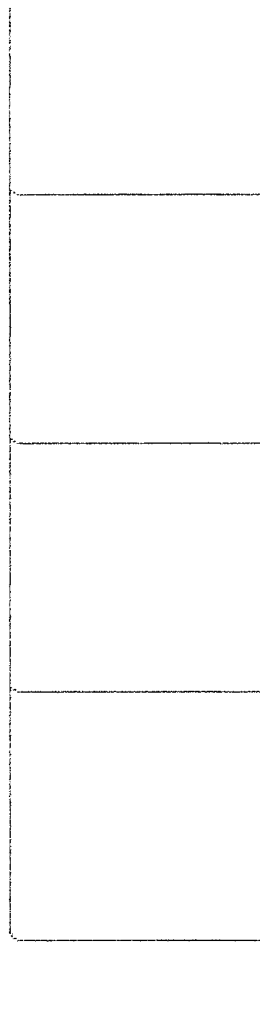
Community Services




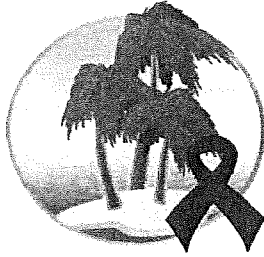
 **Organizational Chart**  
Community Services



Confidential: For internal use only



	<p>Pbcfaa Pbcfaa Service Account 561 355-4709</p>
	<p>David M Rafaidus Sr. Planner 561 355-4705</p>
	<p>Shoshana Ringer Quality Management Coordinator 561 355-4788</p>
	<p>Roland Williams Quality Assurance Supervisor 561 233-1670</p> 



## CAG

Florida Statewide Consumer Advisory Group  
Working together, building a successful tomorrow  
for positive individuals today



## Florida Statewide Consumer Advisory Group (CAG)

The CAG is composed of up to 20 consumers selected through an application process and reflective of the profile of the epidemic in Florida. Applicants must be or have been involved with agency CAG's or other HIV related community-based groups. Members are appointed for a period of two years and may reapply for subsequent terms. The members serve at the pleasure of the Florida Department of Health (DOH), Bureau of HIV/AIDS (BOHA).

### MISSION STATEMENT

The CAG exists to provide a mechanism in which consumers to have meaningful input into the development of policies and programs to address their needs with and under the auspices of the DOH and BOHA.

### Goals

1. Provide input on the quality, accessibility and function of existing and proposed HIV-related care and prevention services
2. Identify and provide input on gaps in HIV-related services and barriers to care
3. Recommend new programs and changes to existing programs
4. Provide consumer input to the DOH, BOHA and community-based providers regarding the development and implementation of programs and policies
5. Increase consumer participation on community-based agency Boards of Directors and local planning bodies
6. Increase the number of persons at risk who know their status
7. Decrease the number of new HIV infections
8. Improve the health and quality of life for those who are living with and at high risk of HIV

### Benefits to Consumers and Providers

As an organization of consumers, the CAG is positioned to assess the quality, appropriateness, and effectiveness of funded services. The relationship between consumers and service providers creates an environment that fosters the following benefits to both consumers and the agencies or other community groups they advise:

1. Consumer self-determination promotes self-management and independence through increased knowledge, the fellowship and support of other consumers, and creation of an environment with decreased stigma and isolation
2. Leadership skills and a sense of empowerment among consumers aid in their roles as advisors to agency CAG's, local service providers and each other
3. Build and maintain partnerships in wellness with consumers and providers in improving service quality, type of service, program evaluation and focus provider programmatic policies on consumer needs and concerns
4. Create networking opportunities to increase consumer knowledge and provider sensitivity to consumer needs.



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**CAG**

**Florida Statewide Consumer Advisory Group**

Working together, building a successful tomorrow  
for positive individuals today.



**CAG**

**Florida Statewide Consumer Advisory Group**

The CAG is a group of twenty (20) HIV+ consumers from around Florida selected through an application process and reflective of the profile of the epidemic in Florida. Applicants must be HIV+ and have been or still involved with their local agency consumer groups, local Ryan White Consortia or other HIV related community-based organizations. The members serve under the guidance of the Florida Department of Health, Bureau of HIV/AIDS.

[CAG Brochure](#)

[CAG Mission Statement](#)

[Members Role & Responsibility](#)

[Member Application](#)



## CAG

Florida Statewide Consumer Advisory Group  
Working together, building a successful tomorrow  
for positive individuals today.



- Promoting Medical Monitoring Project
  - Promoting a speaker guild
  - Promoting a CAG at local levels
  - Promoting Peer Programs
- d) Assist in identifying regional, county and local resources to support CAG functions and activities

### 5. Participation in Community Events

CAG visibility contributes to the reduction of HIV-related stigma by putting a face to the epidemic and dispelling myths and misconceptions about HIV and those who are living with it. It is therefore important for the CAG member to have visibility within the community that it represents. World AIDS Day, AIDS Walks, fundraising events, ethnic festivals, etc., represent opportunities for the CAG to make its role and purpose known within the community. It also provides opportunities to recruit new members for the CAG or to encourage others to learn their HIV status and get into care.

### 6. Code of Conduct

In order to promote and maintain civility and effectiveness of CAG, it is essential that not only the Roles and Responsibilities be fair and clear but that the members shall be held accountable to a fair and clear Code of Conduct.

#### CAG members shall:

- demonstrate respect for fellow members during CAG meetings
- respect the opinions of others, even if they disagree, and engage in open and productive discussions
- arrive on time for meetings and stay until the conclusion of meetings
- take on and complete their fair share of the CAG work, as necessary
- conduct themselves in full accordance with established travel guidelines
- attend meetings fully prepared to participate in CAG business
- display appropriate behaviors and actions as any inappropriate behaviors or actions may result in removal proceedings by fellow CAG members

With my signature I understand and support the mission and the roles and responsibilities as a member of the Florida Statewide Consumer Advisory Group.

\_\_\_\_\_  
Member Signature

\_\_\_\_\_  
Date



**CAG**

Florida Statewide Consumer Advisory Group  
Working together, building a successful tomorrow  
for positive individuals today.



## **MEMBER ROLES AND RESPONSIBILITIES**

**Roles and responsibilities of CAG members include:**

### **1. Operations**

- a) Participate in all CAG meetings in person or by telephone conference call
- b) In addition, actively participate in **at least one** local or statewide HIV/AIDS prevention or care planning group
- c) Share the CAG information with your community and other Persons Living with HIV/AIDS (PLWHA) and bring information to CAG from your community
- d) Ensure that the CAG is inclusive in its composition by recruitment in your community
- e) Provide input to BOHA to ensure effective operations of the CAG

### **2. Implementation**

- a) Work with BOHA to ensure that information about all projects, programs and activities reflects the CAG mission and the changing needs of PLWHA
- b) Promote educational workshops to empower HIV/AIDS positive consumers living with a chronic disease
- c) Increase awareness of HIV/AIDS in the community to help remove the stigma
- d) Be open and accepting of your HIV status to further promote community understanding of HIV/AIDS
- e) Be willing and comfortable being in the public's eye with disclosing your HIV status

### **3. Needs Assessment and Community Input**

- a) Contribute to the Ryan White Patient Care needs assessment in your community
- b) Provide input regarding program implementation as needed and assist in interpreting data submitted by consumers involved in BOHA programs
- c) Take part in local prevention planning efforts and interventions

### **4. Public Relations/Outreach**

- a) Assist in publicizing the CAG to the community at large, specifically serving as a liaison between the BOHA and other HIV/AIDS care and prevention planning groups
- b) Contact HIV/AIDS service providers to request their assistance in promoting the CAG and its projects to their clients
- c) Conduct outreach presentations in your region/area to include, but not limited to the following:
  - Promoting Prevention for Positives / High Risk interventions

**Palm Beach County HIV CARE Council  
Priorities and Allocations Committee Meeting**

*Tuesday, November 15, 2011*

*Minutes*

**Members Present**

Rafael Abadia  
Don Hilliard  
Marlinda Jefferson  
Mary Kannel  
Glenn Krabec  
Larry Osband  
Rik Pavlescak  
Mary Jane Reynolds  
Shirley Samples  
Kenny Talbot

**Members Absent**

\* William Albury  
\* Rosalyn Collins

**CARE Council Staff**

Pat Adams

**Grantee Staff**

Sonja Holbrook  
Steve Misshula  
Shoshana Ringer

**Guests**

Chris English  
Nicole Leidesdorf  
\*Denotes an excused absence

Beatrice Manning  
Melissa McGee

Marie Presmy  
Juny Tetevi

- 
- I. The Priorities and Allocations Committee Meeting was called to order at 2:00pm by Glenn Krabec. Roll was taken; **a quorum was present.** Guests were introduced.
- II. A Moment of Reflection:
- Moment of Silence**  
*A moment of silence is observed in respect to the memory of those individuals who have succumbed to AIDS and those who are living with the disease. Let us remember why we are here today. Let us have the strength to make the decisions that will improve the care of those we serve. Let us be thankful for what we have accomplished to date.*
- III. **Motion** by Larry Osband, **second** by Mary Kannel to accept excused absences. **Motion carried.**
- IV. **Motion** by Don Hilliard, **second** by Larry Osband to accept the November 15, 2011 Priorities and Allocations Committee Meeting Agenda as amended. **Motion carried.**
- V. **Motion** by Rafael Abadia, **second** by Larry Osband to accept August 23, 2011 Priorities and Allocations Committee Public Forum I Meeting Minutes as presented. **Motion carried.**
- VI. **Comments by the Chair:** The Chair stated that today we have to do our 2012 budget. The Chair stated if you are making a comment, please be clear and concise.

VII. **Public Comments:** There was none.

VIII. **Old Business:** There was none.

IX. **New Business:**

**A. Sweeps Discussion:**

1. **Vote to Allow Grantee to sweep funds “down”:** Glenn Krabec explained the procedures of sweeping funds “down” and asked the members if everyone understood the measures. Glenn stated that the funds could also be sweep “up”. **Motion** by Larry Osband, **second** by Don Hilliard to accept the Grantee to sweep funds “down”. The floor was opened for discussion, after discussion, Larry Osband added that the Grantee has permission this time of year to move money up or down. Larry added that the categories that have the lower priorities are very important and have a need in the community particularly during these economic times. **Motion carried.**
2. **Vote on 2012 Budget Increase/Decrease Scenarios:** Steve Misshula explained the Budget Increase and Decrease Scenarios that would equal or minus 2%. Steve reported that the GY 12 Flat Funding Scenario has a balance of \$153,511 that need to be allocated.

After discussion, **motion** by Rafael Abadia, **second** by Don Hilliard to place \$153,511 into Peer Mentor. The floor was opened for questions. After discussion, **Motion rescinded.**

- a. **Motion** Don Hilliard, **second** by Larry Osband to move \$53,511 into Non –Medical Case Management (line #2). **Motion carried** with 1 opposed and 1 abstained.
- b. **Motion** by Larry Osband, **second** by Rafael Abadia to move \$20,000 into Transportation Assistance (line #8) and to move \$20,000 into Food Bank/Home Delivered Meals (line#6) **Motion carried** with 1 abstained.
- c. **Motion** by Don Hilliard, **second** by Larry Osband to move \$60,000 into Medical Case Management (line item 1m). **Motion carried** with 1 abstained.
- d. **Motion** by Rik Pavlescak, **second** by Mary Kannel to accept column “P” Flat Funding Scenario—Decrease Scenario (+/- 2%) as follows:  
1a—Ambulatory/Primary Outpatient in the amount of \$850,000  
1b—Laboratory Diagnostic Testing in the amount of \$1,050, 000  
\*\*both to remain the harmless  
The remaining categories and corresponding values will share the decrease evenly (assuming the decrease of the grant award is greater than 2% and less than or equal to 4%). **Motion carried.**
- e. **Motion** by Larry Osband, **second** by Rik Pavlescak to accept the Increase Scenario (+/- 2%) Level Funding across the board as presented. **Motion carried.**  
The proposed budget will be forward to CARE Council.

**B. Review of Priorities and Allocation Process:**

1. **Desired changes, documents and feedback:** Sonja Holbrook asked the committee for feedback on the Priorities and Allocations Process. Inquiring what worked, and what did not work for the members. Larry Osband suggested expanding the Public Forum locations, such as Jupiter in place of Riviera Beach, Lake Worth in place of Delray Beach, Pahokee, in the place of Belle Glade. Larry suggested changing locations –perhaps bring

in more people. Shirley Samples stated she would like someone to distribute flyers in the western communities. The committee recommendations were to add one additional public forum in 2012. Public Forums will be held May, June, July and August.

**C. Committee Attendance Discussion:**

1. **Review of Attendance Policy:** The committee reviewed the Attendance Policy.
2. **Review of Member Attendance:** Member attendance records were reviewed, after discussion, **motion** by Rafael Abadia, **second** by Don Hilliard to remove Rosalyn Collins from Priorities and Allocations Committee due to lack of attendance. **Motion carried.**

**X. Other Business:**

Rafael Abadia announced that Metropolitan Community Church of the Palm Beaches (MCCPB) would be having their 30<sup>th</sup> year anniversary on the weekend of November 18-20, 2011. The Kevin McGee, Drop-in Center, announced a food pantry starting November 22, 2011 every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month between 12 noon – 4:00pm.

- XI. Adjournment:** There being no further business, the Priorities and Allocations Public Forum II Meeting adjourned at 3:10pm.

**Palm Beach County HIV CARE Council**  
**CARE Council Meeting**  
*Monday, January 30, 2012*  
*Minutes*

**Members Present**

Cindy Barnes  
Rosalyn Collins  
Kim Enright  
Don Hilliard  
Marlinda Jefferson  
Mary Kannel  
Glenn Krabec  
Nicole Leidesdorf  
Melissa McGee  
Thomas McKissack  
Shantreirra Monroe  
Larry Osband  
Mary Jane Reynolds  
Shirley Samples  
Cecil Smith  
Kenny Talbot  
Vicki Tucci

**Members Absent**

\*Rafael Abadia  
Bobbie Cleveland  
Sha'Wanda Manuel  
Lorenzo Robertson  
\*Juny Tetevi

**Grantee Staff**

Tammy Fields  
Sonja Holbrook  
Steve Misshula  
Nadia Barreto-Najarro  
Sharon Oneill

**CARE Council Staff**

Pat Adams  
Julie Graham

**Lead Agency Staff**

Kim Bradley

**Guests**

Marsharee Chronicle  
Chris English  
Ron Haberle  
Beatrice Manning  
Rik Pavlescak  
Marie Presmy  
Zakiyyah Williams  
Jay Lobo

\*Denotes an excused absence

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I. The CARE Council Meeting was called to order at 2:33pm by Chair, Mary Kannel at the Mayme Fredrick Building. Roll was taken; **a quorum was present.** Guests were introduced.

II. A Moment of Reflection:

**Moment of Silence**

*A moment of silence is observed in respect to the memory of those individuals who have succumbed to AIDS and those who are living with the disease. Let us remember why we are here today. Let us have the strength to make the decisions that will improve the care of those we serve. Let us be thankful for what we have accomplished to date.*

III. **Motion** by Larry Osband, **second** by Shirley Samples to accept excused absences. **Motion carried.**

IV. **Motion** by Don Hilliard, **second** by Marlinda Jefferson to accept the January 30, 2012 CARE Council Meeting Agenda as presented. **Motion carried.**

V. **Motion** by Larry Osband, **second** by Cindy Barnes to accept the December 5, 2011 CARE Council Meeting Minutes as presented. **Motion carried.**

- VI. Comments by the Chair:** The Chair announced that she does not have any comments, but in lieu of her comments, she allowed Ron Haberle to announce the March on Washington on July 22, 2012. If anyone has been waiting with interest on the latest update from AHF regarding the important march, please contact Janet Kitchen at (813) 857-2974 or by email @ [janetkitchen1@aol.com](mailto:janetkitchen1@aol.com). Ms. Kitchen also offers advocacy classes. Ron Haberle stated that AHF has transitioned him to Broward County. He will not be able to attend the CARE Council meetings in the future. He has enjoyed working with the CARE Council over the years.
- VII. Public Comments:** There was none.
- VIII. Educational Moment:** Nadia Baretto-Najarro, Health Planner informed the committee that the Comprehensive Plan is being developed. On February 9, 2012, other Florida EMA Health Planners will meet to discuss successes and challenges in completing the Comp Plan. Nadia stated that on February 10, 2012, the CARE Council Retreat would focus on the Comp Plan and the development of the activities over the next three years.
- IX. Standing Reports & Updates:**
- A. **Legislative Update:** Vicki Tucci: There was no report.
  - B. **CPP Updates:** Rafael Abadia gave a brief overview on the CPP updates.
  - C. **ADAP Update:** Jay Lobo reviewed and discussed ADAP updates, it was noted that currently there are 64 clients on the waiting list. She also reviewed the new re-enrollment requirements.
  - D. **Patient Care & 4BNWK Report:** Chris English explained the Patient Care Network (4BNWK) and the Palm Beach County Health Department Patient Care Expenditures (4B000) reports to the committee.
  - E. **Patient Care Update including ADAP:** Mitchell Durant reviewed and discussed the document.
  - F. **Medicaid Report:** Cindy Barnes: There was no update.
  - G. **Part A Report:** Sonja Holbrook discussed and gave an overview of the following topics.
    - Sonja reported that the second and final sweep would be processed over the next couple of weeks. Agencies appear to be spending down, other than funding for medications.
    - That funding would be swept into Medical Case Management.
    - Sonja announced that the GY12 contracts would go to the Board of County Commissioners on February 27, 2012. It was noted that in some instances that CARE Council allocations are more than what is recommended to be awarded.
    - Sonja stated that we are not to award more than agencies requested which, has led to the Department's recommendation being less than the CARE Council allocation. Once the final award is received, we will review the budgets approved by the CARE Council and return for reallocation if needed.
    - Sonja stated that through a review of HAB polices it has been noted that we are unable to contract with for profit entities if there is a public entity that could provide the same quality of service. This would affect our primary care and lab services that have been contracted out to private ID doctors. The clients would have to transition to the other existing providers.
    - Sonja reported that HRSA is requiring that the providers include rent and utilities



under administration rather than program. Administration expenses are limited to 10% of the budget. This may lead to limitations on the number of available service locations.

- The Implementation Plan FY 2011-2012 was reviewed.
- The FY 2011-2012 Expenditure Report was reviewed.

H. **Part B Report:** Kim Bradley gave an overview on the Part B Report.

I. **Membership Update:** Kim Enright-There was no report.

X. **Unfinished Business and General Orders:**

Mary Kannel thanked Tammy Fields for working diligently on the CAREWare system sharing rights. This has been an ongoing project for more than four years.

XI. **New Business:**

A. **Vote: Approval of Committee Recommendations:**

1. **Motion carried** to approve the Joint Medical & Support Services Committee Revised Eligibility Grid for Palm Beach County HIV/AIDS Services provided by Ryan White Part A that reads, 'Home Health services (including Durable Medical Equipment) authorized by physician prescription' as presented.
2. **Motion not carried** to approve the Joint Medical & Support Services Committee Outpatient Specialty Medical Care Standards of Care, it was recommended to send motion back to the Joint Medical & Support Services committee to revisit the indicators.

B. **Membership for Priorities and Allocations Committee:** Glenn Krabec announced that the P & A Committee is looking for a new provider member. It was noted that if any members have suggestions, please submit recommendations to Pat Adams.

XII. **Other Business:**

A. **Announcement:**

1. Larry Osband announced that the 2012 Road to AIDS is still on track with bus service to Ft. Lauderdale. If you are interested in attending, please contact Larry Osband or Rafael Abadia.
2. Sonja Holbrook reminded members that our annual election will be held in April 2012.

XIII. **Adjournment:** With no further business, the CARE Council Meeting was adjourned at 4:03 pm at the Mayme Fredrick Building, 1440 Martin Luther Blvd., Riviera Beach, FL.



# Palm Beach County Commission on Ethics

**Commissioners**

Manuel Farach, *Chair*  
Robin N. Fiore, *Vice Chair*

Ronald E. Harbison  
Daniel T. Galo

**Executive Director**  
Alan S. Johnson

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August 23, 2012

Rafael Abadia, Chair  
CARE Council  
810 Datura Street  
West Palm Beach, FL 33401

Re: C12-007

Dear Mr. Abadia,

Enclosed please find a copy of complaint C12-007, including the Complaint, Memorandum of Inquiry, Memorandum of Legal Sufficiency, Memorandum of Probable Cause and supporting documentation.

Although the Commission on Ethics (COE) is recommending probable cause be found, staff is also recommending a subsequent dismissal be entered and a Letter of Instruction be issued. (see attached)

This matter will be placed before the Commission on Ethics (COE) at its regularly scheduled meeting on September 12, 2012 at 2:30 pm at the Palm Beach County Governmental Center, 301 North Olive Avenue, 12<sup>th</sup> Floor McEaddy Conference Room, West Palm Beach, FL 33401. When you arrive, please wait in the reception area until you are called. There are other matters scheduled to take place before this matter. However, I anticipate this matter will begin no later than 3:00 pm. Additionally, while it is recommended that you appear, you are not required to attend the executive session.

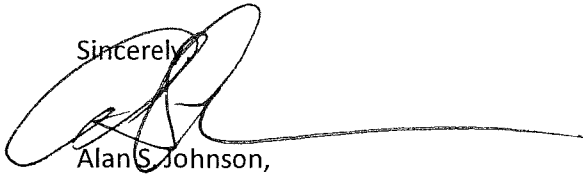
The probable cause hearing will be in executive session and closed to the public unless you provide a written request that the hearing be held in a public forum. You have an opportunity, in accordance with the procedures as set forth in the Commission on Ethics Rules of Procedure, to file a written response to Staff Counsel's recommendation prior to the probable cause hearing. Any documentary evidence that you wish to provide will also be considered by the COE.

Along with the COE Staff Counsel, you will be permitted to make a brief oral statement in the nature of oral argument to the commission before a probable cause determination is made, based upon the Investigator's reports, your written response and the recommendation of the COE Staff Counsel. If the COE finds no probable cause, the Complaint will be dismissed. If probable cause is found, the COE will decide whether or not to follow the recommendation of staff and dismiss the case with a Letter of Instruction or set a final public hearing in the matter within 120 days.

As indicated, it will be the Commission on Ethics Staff recommendation that probable cause be found that you violated §2-443(a) and/or §2-443(c) of the Code of Ethics. However, it will also be recommended that the case be dismissed and a Letter of Instruction be issued rather than proceeding to final hearing in this matter.

Should you or your representative have any questions or concerns regarding the above, please feel free to contact the Commission on Staff Counsel/Advocate, Megan C. Rogers, at 561-233-0727.

Sincerely,

A handwritten signature in black ink, appearing to read 'ASJ', with a long horizontal flourish extending to the right.

Alan S. Johnson,  
Executive Director

Enclosures

cc: Megan C. Rogers, Staff Counsel/Advocate

ASJ/gal