

Palm Beach County Commission on Ethics

Commissioners
Manuel Farach, Chair
Robin N. Fiore, Vice Chair
Ronald E. Harbison
Daniel T. Galo
Patricia L. Archer

Executive Director
Steven P. Cullen

April 16, 2013

Darrel Bowen
15670 Cedar Grove Lane
Wellington, FL 33414

Sent via email only to: dbowen@creativemarketingproducts.com

Re: C13-007 and C13-008

Dear Mr. Bowen,

Enclosed please find a copy of complaint C13-007, including the Complaint, Memorandum of Inquiry, Memorandum of Legal Sufficiency, Memorandum of No Probable Cause and supporting documentation. Also enclosed is a copy of complaint C13-008, including the Complaint, Memorandum of Inquiry and Memorandum of No Legal Sufficiency and Recommendation of Dismissal.

These matters will be placed before the Commission on Ethics (COE) at its regularly scheduled meeting on May 2, 2013 at 3:30pm at the Palm Beach County Governmental Center, 301 North Olive Avenue, 12th Floor McEaddy Conference Room, West Palm Beach, FL 33401.


All documents are exempt from public records disclosure unless and until the complaint is dismissed, probable cause is found, or you request in writing that the information be released.

The May 2nd proceeding will be in executive session and closed to the public unless you request otherwise in writing. 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 the advocate's recommendation prior to the probable cause hearing. Any documentary evidence that you wish to provide will also be considered by the COE.

Although each complaint will be dealt with individually, along with the COE Advocate, you will be permitted to make a brief oral statement in the nature of oral argument to the commission, based upon the investigator's reports, your written responses, if any, and the recommendation of the advocate, before the probable cause determination. If the COE finds no probable cause, the complaint will be dismissed. If probable cause is found, the COE will set a final public hearing in the matter. At any time prior to a final public hearing, a negotiated settlement may be entered into upon approval by the COE.

Should you or your representative have any questions regarding the complaints, or the procedures as described, please contact the COE Advocate, Mark Bannon at 561-233-0729.


Sincerely,


Steven P. Cullen
Executive Director

SPC/gal
Attachments

PALM BEACH COUNTY COMMISSION ON ETHICS

MEMORANDUM

To: FILE
From: Steven P. Cullen, Executive Director 
Re: C13-007 and C13-008 – Darell Bowen-Village of Wellington

This memorandum is to correct the address listed for Darell Bowen on the cover letter sent on April 16, 2013. The correct address is 12669 Headwater Way, Wellington, FL 33414

EXECUTIVE SUMMARY

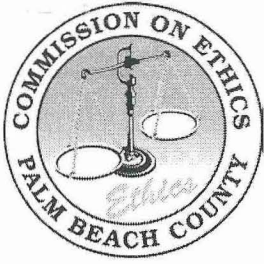
To: Steven P. Cullen, Executive Director
From: James A. Poag, Investigator
Re: C13-008 – Darell Bowen-Village of Wellington

- **Background**

This matter came to the attention of Commission on Ethics staff via a sworn complaint filed by Bart Novak (Complainant), a resident of the Village of Wellington (the Village). The complaint alleges that Darell Bowen (Respondent), former Village Mayor, accepted two tickets from International Polo Club of Palm Beach (IPCPB) to attend the World Dressage Masters event held on February 21, 2011.

- **Inquiry information**

The inquiry revealed that the alleged actions listed in the complaint occurred prior to June 1, 2011, the date in which the Village became subject to the jurisdiction of the Palm Beach County Commission on Ethics. For a complaint to be found legally sufficient the complaint must 1) be in writing and executed on a form prescribed by the commission; 2) allege the elements of a violation within the commission's jurisdiction; 3) be based substantially on personal knowledge of the complainant; and 4) be signed under oath or affirmation by the complaining person.



PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

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

FEB 17 11:59 AM

COMPLAINT FORM

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

Please list all information where you would like to be contacted. Our preference is email.

Name: Bart Novack E-Mail: bartman1@bellsouth.net
 Address: 15670 Cedar Grove Lane
 City: Wellington, FL. Zip: 33414
 Home #: 561-790-3344 Work #: _____ Cell #: 561-827-7400

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

Please provide as much information as possible.

Name: Darell W Bowen E-Mail: _____
 Address: 12669 Headwater Way
 City: Wellington, FL. Zip: 33414
 Home #: _____ Work #: _____ Cell #: _____
 Title/Office Held or Sought: Mayor of Wellington

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 BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

[Signature]
 Signature of Person Making Complaint

STATE OF FLORIDA
COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 19 day of February, 2013, by
Bart Novack
 (Name of Person Making Statement)

who is personally known to me _____ or produced identification . Type of identification produced:

FDL N 20073562960
[Signature]
 (Signature of Notary Public, State of Florida)



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

Enclosed is a copy of an invoice in the amount of \$160.00 for 2 tickets from International Polo Club of PB for The World Dressage Masters to our Village for Mr. Bowen and wife's entertainment. Which was put on Linda McIntosh credit card back in March of 2011. It appears statements from this credit card are missing. Mr. Bowen didn't have his own cc? Did he list this on a gift form? Did he reimburse our Village?

The retail amount for these tickets is ~~\$~~ \$225[?] each and we paid \$80 each which appears to be a wholesale price.

[Metadata](#) | [Thumbnails](#) | [Annotations](#)
[429945 2011-03-30](#)

Last Modified
 3/31/2011 11:49:09 AM

Creation Date
 3/31/2011 11:49:09 AM

Fields
Template: Finance

Retention Period
 5

Record Series Number
 340

Vendor Name
 INTERNATIONAL POLO CLUB OF
 PB

Vendor ID
 6589

Document Type
 Checks

Check Number
 429945

Check Date

 Document management portal powered by Laserfiche
 WebLink 8.2.1 © 1998-2012 [Laserfiche](#)

 1 / 2  PDF      

PAY ONE HUNDRED SIXTY AND 00/100 DOLLARS *****

6589

TO THE ORDER OF INTERNATIONAL POLO CLUB OF PB
 3667 120TH AVENUE SOUTH
 WELLINGTON FL 33414

AMOUNT
\$*****160.00

NON-NEGOTIABLE

WELLINGTON 12300 W. FOREST HILL BOULEVARD - WELLINGTON, FLORIDA 33414 - (561) 791-4000 03/30/2011 42994

PO No.	Description	Invoice No.	Amount
C24499	DRESSAGE EVENT @ IPC FOR	20	160.00



[Metadata](#) | [Thumbnails](#) | [Annotations](#)
429945 2011-03-30
Last Modified
 3/31/2011 11:49:09 AM
Creation Date
 3/31/2011 11:49:09 AM

Fields
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Record Series Number
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Vendor Name
 INTERNATIONAL POLO CLUB OF
 PB
Vendor ID
 6589
Document Type
 Checks
Check Number
 429945
Check Date

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*Linda M. TPO # 2249 031-0102-VII-VI-05
 C 24499*

Invoice No. 20

INVOICE

Customer		Misc	
Name	MR. BOWEN	Date	3/20/2011
Address	12300 W. FOREST HILL BLVD	Order No.	
City	WELLINGTON State FL ZIP 33414	Rep	
Phone		FOB	

Qty	Description	Unit Price	TOTAL
2	TICKETS FOR THE WORLD DRESSAGE MASTERS <i>E - in p. 227</i>	\$ 80.00	\$ 160.00

Payment	Tax Rate(s)	SubTotal	\$ 160.00
Comments		Shipping	\$
Name		TOTAL	\$ 160.00
CC #			
Expires			
	Office Use Only		

 PLEASE MAKE CHECKS PAYABLE TO IPC OPERATIONS, LLC
 3657 120TH AVENUE SOUTH, WELLINGTON, FL 33414

FY 2010-2011
[Entry Properties](#)

Full Path
Wellington\Public Access\Financial Records\P-Card Statements\Linda McIntosh\FY 2010-2011

Creation Date
[12/1/2010](#) 8:59:54 AM

Last Modified
10/27/2011 8:55:46 AM

[Metadata](#)

No Metadata Assigned

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11 Entries

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BANK OF AMERICA

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Creation Date
5/3/2011 1:51:47 PM

Fields
Template: Finance

Retention Period
5

Record Series Number
340

Vendor Name
BANK OF AMERICA

Vendor ID
3555

Document Type
P-Cards

Check Date
4/4/2011

Check Amount
41.69

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 WebLink 8.2.1 © 1998-2012 [Laserfiche](#)




T = 283 - 10780840 - 052376 - 0001 - 0001

**Bank of America
 Corporate Purchasing Card
 Cardholder Activity**

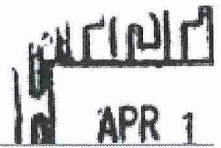
 Statement Date
 Credit Limit
 Cash Limit
 Days in Billing Cycle

 LINDA MCINTOSH
 VILLAGE OF WELLINGTON

Card Account Number:
 [REDACTED]

CARDHOLDER ACTIVITY

Post Date	Tran Date	Reference Number	Transactions
03-11	03-09	24445001069100349042009	BARNES & NOBLE #2100 WELL
03-22	03-20	24445001080300355775659	PUBLIX #394 WELLINGTO


 APR 1

PALM BEACH COUNTY COMMISSION ON ETHICS
MEMORANDUM OF INQUIRY

To: Megan Rogers, Interim Executive Director
From: James A. Poag, Investigator
Re: C13-008 – Darell Bowen-Village of Wellington

- **Background**

This matter came to the attention of Commission on Ethics staff via a sworn complaint filed by Bart Novak (Complainant), a resident of the Village of Wellington (the Village). The complaint alleges that Darell Bowen (Respondent), former Village Mayor, accepted two tickets from International Polo Club of Palm Beach (IPCPB) to attend the World Dressage Masters event held on February 21, 2011. According to the Complainant, the tickets were valued at \$225 each; however, the Village paid \$80 per ticket according to an invoice addressed to the Respondent and submitted as an attachment to the complaint. All employees and elected/appointed officials of the Village were subject to the jurisdiction of the Commission on Ethics as of June 1, 2011.

- **Inquiry**

On March 19, 2013, I was assigned this complaint for follow-up. I reviewed the information contained in the file in its entirety. My initial review of the documentation contained in the file revealed that the alleged actions listed in the complaint occurred prior to June 1, 2011, the date in which the Village became subject to the jurisdiction of the Palm Beach County Commission on Ethics. For a complaint to be found legally sufficient the complaint must 1) be in writing and executed on a form prescribed by the commission; 2) allege the elements of a violation within the commission's jurisdiction; 3) be based substantially on personal knowledge of the complainant; and 4) be signed under oath or affirmation by the complaining person. Based on the information provided in the complaint, Respondent accepted tickets to attend the World Dressage Masters event in February, 2011, more than three months before Respondent was subject to the Commission's jurisdiction. Based on this information, the Complaint is not legally sufficient.

Submitted by:



James A. Poag, Investigator
PB County Commission on Ethics

4/12/13

Date

Reviewed by:



(Initials)

4/12/2013

Date

PALM BEACH COUNTY COMMISSION ON ETHICS

**MEMORANDUM OF NO LEGAL SUFFICIENCY AND
RECOMMENDATION OF DISMISSAL**

To: Palm Beach County Commission on Ethics
From: Megan C. Rogers, Interim Executive Director
Re: C13-008 Darell Bowen, Village of Wellington

- **Recommendation**

Regarding the Complaint against Respondent, Darell Bowen, former Mayor of the Village of Wellington, the Interim Executive Director, Megan C. Rogers, has found **NO LEGAL SUFFICIENCY** in complaint number C13-008 and recommends **DISMISSAL** pursuant to Art. V, §2-260(b) and Rule of Procedure 4.2.

Legal sufficiency exists where there is an allegation containing the elements 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 substantially on the personal knowledge of the Complainant, relating to an alleged 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 Commission on Ethics staff via a sworn complaint filed by Bart Novak (Complainant), a resident of the Village of Wellington (the Village). The complaint alleges that Darell Bowen (Respondent), former Village Mayor, accepted two tickets from International Polo Club of Palm Beach (IPCPB) to attend the World Dressage Masters event held on February 21, 2011. According to the Complainant, the tickets were valued at \$225 each; however, the Village paid \$80 per ticket according to an invoice addressed to the Respondent and submitted as an attachment to the complaint. All employees and elected/appointed officials of the Village were subject to the jurisdiction of the Commission on Ethics as of June 1, 2011.

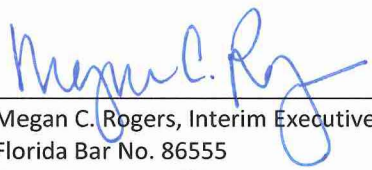
- **Inquiry and Analysis**

For a complaint to be found legally sufficient the complaint must 1) be in writing and executed on a form prescribed by the commission; 2) allege the elements of a violation within the commission's jurisdiction; 3) be based substantially on personal knowledge of the complainant; and 4) be signed under oath or affirmation by the complaining person. Based on the information provided in the complaint, Respondent accepted tickets to attend the World Dressage Masters event in February 2011, more than three months before Respondent was subject to the Commission's jurisdiction.


- **Conclusion**

Based on the fact that the allegations provided in the Complaint, even if true, do not allege a violation of any provision of the Palm Beach County Code of Ethics, and the COE Inquiry did not find any evidence of such a violation, there is **NO LEGAL SUFFICIENCY** to open a formal investigation into this matter.

BY:



Megan C. Rogers, Interim Executive Director
Florida Bar No. 86555
Commission on Ethics



Date