

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

JUNE 24, 2020

**THURSDAY
11:00 A.M.**

**VIA WEBEX TELECONFERENCE
GOVERNMENTAL CENTER**

I. CALL TO ORDER

STAFF:

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

ADMINISTRATIVE STAFF:

Yadzia Roa, Deputy Clerk, Clerk & Comptroller's Office

II. STATUS AND SCHEDULE

Hearing Officer Thomas Dougherty inquired if both sides were ready for the final hearing.

Gwendolyn Tuggle, respondent's attorney, said that she reviewed the information and asked if a motion for summary judgement could be filed and if so, whether it could be dispositive or ready for final hearing. She added that most of the witnesses gave sworn statements, but some witnesses might need their depositions taken.

COE Advocate Flynn Bertisch said that the respondent should have the right to file a motion for summary judgement.

Mr. Dougherty said that he would entertain the motion for summary judgment, but the motion should be submitted in writing. He asked how much time was needed to submit a motion for summary judgment and how much time was needed to respond.

Ms. Tuggle requested 30 days to submit the motion for summary judgment.

Mr. Bertisch said that he would agree to the 30 days, and he would require 30 days to respond once the summary judgement was received.

Mr. Dougherty asked if the parties were requesting a summary judgment hearing or if they wanted him to rule on the motions and respond.

Ms. Tuggle said that she preferred a summary judgement hearing.

Mr. Dougherty said that a summary judgement hearing should be scheduled 75 days in advance to allow time to file and respond.

Ms. Tuggle said that she hoped the summary judgement would be disposed of, and if not, the discovery that needed to be conducted could be done between the hearing date and the time for the final hearing.

Mr. Dougherty asked how much time would be needed to conduct the discovery if the summary judgment was not ruled in the respondent's favor.

Ms. Tuggle requested 60 days due to a scheduling conflict.

Mr. Dougherty asked both parties if they would agree to set a hearing date on the motion for a summary judgement during September 2020 and set a tentative date for the final hearing during November 2020.

Ms. Tuggle and Mr. Bertisch said that they agreed with the scheduling dates.

Gina Levesque, COE Intake and Compliance Manager, said that the hearing for September 2020 could be scheduled immediately.

Mr. Dougherty suggested September 14-18, 2020.

Ms. Tuggle said that the hearing should not be more than one hour.

Ms. Levesque said that September 17, 2020 was available and asked what time was agreeable.

Mr. Bertisch requested that the meeting start at 11:00 a.m., and Ms. Tuggle agreed.

Ms. Levesque said that she would send out a notice of hearing for Thursday, September 17, 2020 at 11:00 a.m., and it would be via WebEx.

Mr. Dougherty requested that a tentative date for the final hearing be scheduled 60 days from September 17, 2020.

Ms. Levesque said that November 18, 2020 was available and asked time was needed.

Ms. Tuggle said that a full day would be anticipated for a final hearing.

Ms. Levesque said that a tentative final hearing would be scheduled November 18, 2020 from 8:30 a.m. to 5:00 p.m. She added that it would be scheduled as a WebEx hearing but was subject to change.

Mr. Dougherty said that the motion-to-file summary judgment should be filed within 30 days with the response 30 days after.

Ms. Levesque confirmed that submission of the motion to file summary judgment was due by July 24, 2020 at 5:00 p.m., and the response was due by August 24, 2020 at 5:00 p.m.

Ms. Tuggle asked to whom she would submit the documents.

Ms. Levesque said that the information could be sent to her and she would forward it to all the parties involved.

Ms. Levesque asked if it was preferable to compose an order that reiterated the motion and the hearing date deadlines.

Mr. Bannon thanked the WebEx participants for their involvement.

III. ADJOURNMENT

At 11:17 a.m., the hearing officer declared the meeting adjourned.