

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

MARCH 5, 2020

**THURSDAY
1:30 P.M.**

**COMMISSION CHAMBERS
GOVERNMENTAL CENTER**

- I. CALL TO ORDER BY EXECUTIVE DIRECTOR**
- II. ROLL CALL**

MEMBERS:

Peter L. Cruise
Michael S. Kridel
Rodney G. Romano

STAFF:

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

ADMINISTRATIVE STAFF:

Tim Montiglio, Deputy Clerk, Clerk & Comptroller's Office (clerking)
Yadzia Roa, Deputy Clerk, Clerk & Comptroller's Office (condensing)

- III. APPROVAL OF MINUTES FROM FEBRUARY 6, 2020**

MOTION to approve the February 6, 2020 minutes. Motion by Rodney Romano, seconded by Peter Cruise, and carried 3-0.

IV. SWEARING IN CEREMONY BY JUDGE SARAH L. SHULLMAN

- a. **Michael H. Kugler** – Appointed by the F. Malcolm Cunningham, Sr. Bar Association, the Hispanic Bar Association of Palm Beach County and the Palm Beach County Bar Association
- b. **Carol E. A. DeGraffenreidt** – Appointed by the Palm Beach County Association of Chiefs of Police

(CLERK'S NOTE: Judge Shullman administered the oath of office to newly appointed Commissioners Michael Kugler and Carol DeGraffenreidt.)

V. ROLL CALL

(CLERK'S NOTE: Roll call was read to include the newly appointed commissioners.)

VI. INTRODUCTORY REMARKS – None

VII. NOMINATION AND ELECTION OF NEW CHAIRPERSON

Mr. Bannon stated that:

- Both the chair and vice chair were two-year terms according to COE by-laws.
- According to COE by-laws, no person should be selected to fill two consecutive terms as either chair or vice chair.
- All 5 current commissioners were eligible for nomination.
- Nominations for the chair and vice chair were done individually starting with the chair.
- The newly elected chair would preside over the rest of the meeting.
- Once nominations were declared open, commissioners could nominate themselves or another commissioner.
- Nominated commissioners could decline if they chose.
- Nominations did not require a second.

- Once nominations were declared closed, a vote was taken on each nomination.
- Commissioners can be nominated for either position unless already nominated for a different position.
- If only one nominee for a particular position, a vote was taken on the nominee.
- If two or more nominations for a position were made, a vote was taken for each nomination.

Mr. Bannon called for nominations for Chair.

Commissioner Peter Cruise said that he would nominate himself.

Commissioner Michael Kridel said that he would nominate himself.

Mr. Bannon announced nomination for chair was closed and requested a vote from each commissioner announcing assent or opposition beginning with the nomination of Commissioner Cruise.

MOTION to nominate Peter Cruise as chairperson carried 4-1. Michael Kridel opposed.

VIII. NOMINATION AND ELECTION OF VICE CHAIR

Chair Cruise called for nominations for the office of vice chairperson.

Commissioner Rodney Romano said that he would nominate Commissioner Kridel.

Chair Cruise announced that the nominations for vice chairperson were closed.

UPON A ROLL CALL VOTE, Commissioner Kridel was elected as vice chairperson.

IX. ADJOURN FOR EXECUTIVE SESSION

At 1:38 p.m., the chair declared the meeting recessed for an executive session.

RECONVENE

At 4:32 p.m., the meeting reconvened, and at Chair Cruise's request for a roll call, Commissioners DeGraffenreidt, Kridel, Kugler and Romano were present.

X. PUBLICATION OF EXECUTIVE SESSION ORDERS

X.a. C19-002

Vice Chair Kridel read the following Public Report and Final Order of Dismissal:

Complainant, Jill Wardle, filed the above referenced complaint on April 10, 2019, alleging Respondent, Julia Batel, violated §2-443(a), Misuse of public office or employment, of the Palm Beach County Code of Ethics by using her position as a councilwoman for the City of Riviera Beach to take control over the planning of an event that Complainant was hosting in order to give herself a special financial benefit by withdrawing money from Complainant's bank account.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics. On March 5, 2020, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and Respondent, the Commission concluded that probable cause does not exist because there was no evidence that a violation had occurred.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Julia Batel, is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on March 5, 2020.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

X.b. C19-010

Vice Chair Kridel read the following Public Report and Final Order of Dismissal:

Mark E. Bannon, Executive Director of the Palm Beach County Commission on Ethics, filed the above referenced complaint on October 21, 2019, alleging that Respondent, Julia Botel, a city of Riviera Beach councilperson, violated Section 2-443(a) by using her position as a city councilperson to give a charitable organization of which she was an officer or director a special financial benefit by posting fundraisers for the organization on her city councilperson Facebook page and by using her official title in requests for donations for the organization, and that Respondent violated Section 2-444(h) by failing to submit a charitable solicitation log to the COE for her solicitations to a principal of a lobbyist who lobbies the City.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On March 5, 2020, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission determined that probable cause existed to believe that Respondent violated Section 2-443(a) and Section 2-444(h), and the Commission then issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance after determining that the public interest would not be served by proceeding further.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Julia Botel, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on March 5, 2020.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

X.c. C19-011

Vice Chair Kridel read the following Public Report and Final Order:

Mark E. Bannon, Executive Director of the Palm Beach County Commission on Ethics, filed the above referenced complaint on November 8, 2019, alleging that Respondent, Caryn Gardner-Young, the former Assistant City Manager for the city of Delray Beach, violated Section 2-443(c) by allowing on-duty city employees to perform hurricane preparations to her home.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On March 5, 2020, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission determined that probable cause existed to conclude that a violation had occurred. The Commission accepted a negotiated agreement between the Advocate and the Respondent and ordered restitution to the city of Delray Beach of up to \$500, to be calculated by the city of Delray Beach, and issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance after determining that the public interest would not be served by proceeding further.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Caryn Gardner-Young is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on March 5, 2020.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order.)

X.d. C19-012

Vice Chair Kridel read the following Public Report and Final Order of Dismissal:

Mark E. Bannon, Executive Director of the Palm Beach County Commission on Ethics, filed the above referenced complaint on November 8, 2019, alleging that Respondent, Steven Tobias, a city of Delray Beach employee, violated Section 2-443(c) by sending on-duty city employees to provide hurricane preparation assistance to the home of the Assistant City Manager.

Pursuant to §2-258(a)1 of the Palm Beach County Commission on Ethics Ordinance, the COE is empowered to enforce the Palm Beach County Code of Ethics. On March 5, 2020, the Commission conducted a hearing and reviewed the Memorandum of Inquiry, the Report of Investigation, and the Probable Cause Recommendation submitted by the COE Advocate. After an oral statement by the Advocate and the Respondent, the Commission determined that probable cause existed to conclude that a violation occurred and issued a Letter of Instruction pursuant to Section 2-260.3 of the Commission on Ethics Ordinance after determining that the public interest would not be served by proceeding further.

Therefore it is:

ORDERED AND ADJUDGED that the complaint against Respondent, Steven Tobias, is hereby DISMISSED and a Letter of Instruction is issued.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on March 5, 2020.

By: Peter L. Cruise, Chair

(CLERK'S NOTE: The clerk added the language as printed in the Public Report and Final Order of Dismissal.)

XI. EXECUTIVE DIRECTOR COMMENTS

XI.a.

DISCUSSED: Welcome and Congratulations.

Mr. Bannon welcomed Commissioners Carol DeGraffenreidt and Michael Kugler and congratulated Chair Cruise and Vice Chair Kridel on their new positions.

XI.b.

DISCUSSED: COE Guidelines.

Mr. Bannon said that:

- Commissioners were bound by the Florida Sunshine Law regarding elected and appointed government officials.
- Information for upcoming business was sent via email.
- Commissioners should not use the reply all format when responding to staff as it could result in a violation of the Sunshine Law.

XII. COMMISSION COMMENTS

XII.a.

DISCUSSED: Welcome New Commissioners.

Commissioner Romano welcomed Commissioner DeGraffenreidt and Commissioner Kugler.

XII.b.

DISCUSSED: Welcome New Commissioners.

Vice Chair Kridel welcomed the new commissioners and wished them an extended appointment.

XII.c.

DISCUSSED: Welcome New Commissioners.

Chair Cruise welcomed the new commissioners and expressed appreciation on today's joint collaboration.

XII.d.

DISCUSSED: Expression of Gratitude.

Commissioner Kugler said that he was honored to be a COE member and that he was able to contribute.

XII.e.

DISCUSSED: Expression of Gratitude.

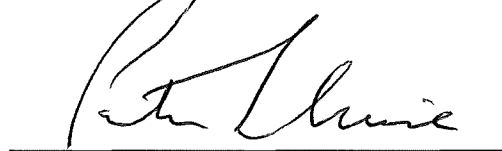
Commissioner DeGraffenreidt said that she was thankful and hoped to be of value to the COE.

XIII. PUBLIC COMMENTS - None

XIV. ADJOURNMENT

At 4:43 p.m., the chair declared the meeting adjourned.

APPROVED,

A handwritten signature in black ink, appearing to read "Peter Blumie", written over a horizontal line.

Chair/Vice Chair