

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

SEPTEMBER 16, 2020

**WEDNESDAY
11:00 A.M.**

**WEBEX TELECONFERENCE
WEISMAN GOVERNMENTAL CENTER**

I. CALL TO ORDER

STAFF:

Mark E. Bannon, Commission on Ethics (COE) Executive Director
Mark A. 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:

Danielle Freeman, Deputy Clerk, Clerk & Comptroller's Office (Recording)
Julie Burns, Deputy Clerk, Clerk & Comptroller's Office (Condensing)

II. C19-006 – STATUS CHECK

Mark Bannon, COE Executive Director, said that today's meeting would involve the scheduling of when documents were due and evidence should be turned over, as well as any motions.

Hearing Officer Thomas Dougherty asked whether either party discussed discovery matters and what type of depositions would be taken.

Respondent's attorney, Ronald Lantz, said that several weeks ago, he and Advocate John Cleary spoke briefly, but deadlines were not discussed.

Mr. Cleary said that he believed the issues could be resolved at trial, and he did not need to take any depositions. He added that he would abide by any deadlines set by the special master.

Mr. Lantz said that his only discovery would be taking 3 depositions of individuals who were involved in the case. He added that he would need 60 days to conduct discovery if the process would be handled using the Webex teleconference platform.

Mr. Cleary said that he had no objection to taking 60 days for discovery.

Mr. Dougherty stated that the deadline for conducting discovery and taking depositions would be 60 days out from today's date. He asked whether either party wanted to set a final hearing or trial date, and how much time would be needed to prepare for trial after discovery.

Mr. Lantz and Mr. Cleary said that a trial date could be set and that 45 days to prepare for trial was adequate.

Mr. Dougherty stated that the 45 days for trial preparation would begin after completion of the 60-day discovery process.

Gina Levesque, COE Intake and Compliance Manager, said that an estimated trial date would be around January 20, 2021.

Mr. Lantz said that the deadline to complete discovery was around November 16, 2020.

Mr. Dougherty said that discovery cutoff could be November 16, 2020 with trial sometime during the week of January 18, 2021 to January 22, 2021.

Ms. Levesque said that January 18, 2021 was unavailable in chambers, and the only days available for the following week was January 27, 2021 or January 29, 2021.

Mr. Lantz and Mr. Cleary said that they agreed to a trial date of either January 19, 2021 or January 20, 2021 and that the trial should take about 3 to 4 hours but no more than 1 day.

Mr. Dougherty said that the trial would be scheduled for January 19, 2020 with a morning timeframe.

Mr. Lantz and Mr. Cleary said that they agreed to a start time of 9:00 a.m.

Mr. Bannon said that by January the trial should be able to proceed live in chambers.

Mr. Dougherty said that everyone could plan to conduct the trial live, with teleconferencing as an alternative if COVID-19 restrictions were still in place.

Mr. Cleary said that everyone could socially distance in chambers.

Mr. Lantz and Mr. Cleary said that they did not need to schedule any other dates.

Mr. Dougherty said that if scheduling issues arose, one of the parties could file a motion to request additional dates.

Mr. Bannon clarified that the deadline to submit discovery would be November 16, 2020 by 5:00 p.m., with a tentative trial date of January 19, 2020 at 9:00 a.m.

Ms. Levesque requested that both parties send any documents for filing to the COE email address, and she would forward them to everyone involved in the lawsuit.

Mr. Lantz asked whether he could sign the Notice of Deposition or whether he needed to go through the COE.

Mr. Cleary said that there was no objection to having Mr. Lantz sign the document.

Respondent David DeMarois asked whether he could increase the number of depositions to 5.

Mr. Lantz said that he could conduct as many depositions as needed.

Mr. DeMarois said that there would be 2 additional depositions.

Mr. Lantz said that he agreed to the same discovery cutoff date with the 2 added depositions.

III. EXECUTIVE DIRECTOR COMMENTS – None

IV. PUBLIC COMMENTS – None

V. ADJOURNMENT

At 11:10 a.m., Mr. Dougherty declared the meeting adjourned.

APPROVED:

Chair/Vice Chair