

Ethics Codes

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Palm Beach County's new ethics code intends to restore public trust in local government



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By **ANDY REID**
Sun Sentinel

Posted: 10:15 a.m. Sunday, May 2, 2010

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Scandal-stained Palm Beach County government has taken a key step in the bid to restore public trust in local leaders.

A new ethics code, spelling out rules for government officials, employees and contractors, took effect Saturday.

To enforce those rules, a first-ever Palm Beach County inspector general is expected to be chosen by Wednesday - creating a full-time government watchdog charged with ferreting out waste and corruption.

Both are steps intended to win back public trust in a government that since 2006 has seen three of its county commissioners resign and go to prison amid a federal corruption investigation.

Despite reaching these reform goals, greed and dishonesty remain a part of human nature that too often trumps rules and good intentions, officials said.

"We have a new set of rules (but) there's no amount of ethics training that you can do that changes people's behavior who want to be dishonest," said Assistant County Administrator Brad Merriman, who has overseen implementation of the new ethics measures.

The answer, according to reform backers, is more community involvement in local government as well as creating safeguards, such as the new ethics code, to try to promote transparency and accountability.

"We have to change the culture," said Marty Rogol, ethics chairman for Leadership Palm Beach County - part of a coalition of civic groups



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that pushed for the reforms. "The more checks and balances the better."

The county's new ethics rules include:

New lobbying registration and reporting requirements.

More disclosure by elected and appointed officials of potential conflicts of interest.

New guidelines intended to create more scrutiny of county land deals.

More ethics training for government employees, elected officials and appointees to county committees.

New limits on gifts county employees can receive.

Punishment of ethics violators with jail time - up to 60 days - in addition to fines.

The county's new code of ethics applies to the branches of government controlled by the County Commission, entities that do business with the county and the commissioners themselves.

The county also created an independently appointed Ethics Commission to rule on cases of suspected ethics code violations and to lead ethics education and training efforts.

The ethics rules, creation of the Ethics Commission and hiring of an inspector general were among the recommendations of a state grand jury, convened in the wake of the federal corruption investigation, to try to find ways to clean up Palm Beach County government.

Under pressure from business leaders and community groups, the County Commission in December approved the new ethics code and creation of the Ethics Commission and inspector general position.

"People now understand this is where the line is drawn (and) you can't cross it," Rogol said about the new measures. "There are real penalties. It makes things a lot more transparent."

The county is already operating a telephone hotline callers can use to report possible ethics violations. The hotline is 877-283-7068.

The county's five-member Ethics Commission first convened in February.

Next week, the Ethics Commission along with the state attorney and public defender will interview the 10 finalists for the inspector general position.

Secret Service agents, FBI officials, state investigators and inspectors general were among the initial 98 candidates who applied for the job. A decision could come as soon as Wednesday.

The county is modeling its new inspector general position after a similar post created in Miami-Dade County to clean up government waste and corruption.



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In 12 years, investigations by Miami-Dade's inspector general's office have resulted in nearly 200 arrests including public officials, government employees and contractors, said Miami-Dade Inspector General Christopher Mazzella. Those investigations also led to the recovery of \$70 million in wasted government money, he said.

"Every crime is the result of some breakdown in the system," Mazzella said. "It happens because somebody wasn't watching."

That watching comes at a cost. The Miami-Dade inspector general's office has grown to 38 people including investigators, auditors and attorneys. It costs about \$5.8 million a year.

Palm Beach County is creating the inspector general's office at time when the county has turned to increased tax rates and deep budget cuts to head off growing budget shortfalls, blamed on the struggling economy.

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HONESTY IN GOVERNMENT

Committees to craft ethics measures for the entire county

By Jennifer Sorentrud
THE PALM BEACH POST

WEST PALM BEACH — Two Palm Beach County committees will spend the next three months working on ethics reform measures that will apply to all 38 cities and towns.

Voters in November overwhelmingly approved a county charter amendment that extended the reach of the county's inspector general and ethics commission to their municipalities.

Members of the two committees met Wednesday to begin work on crafting the countywide regulations. The groups are using the reform package approved by county commissioners in 2009 to draft rules that will apply to all cities.

Some committee members expressed concerns over the inspector general's power to detect miscon-

duct, "waste, inefficiencies and mismanagement," saying it was too broad and needed to be better defined.

Iris Scheibl, a Palm Beach Gardens resident who helped craft the county rules, said she was "alarmed" by the discussion.

"The intent of the inspector general is independence," she told the committee tasked with drafting rules that will apply to the countywide office. "She needs to be able to look at anything she wants."

Meanwhile, the committee in charge of creating the rules that will apply to the ethics commission said it would allow those who ask for an advisory opinion from the board to withdraw their requests, if their ethics questions become moot.

The withdrawal would have to be made 10 days

before the ethics commission meeting.

One member of the audience on Wednesday, Mike Jones of the Palm Beach County Economic Council, said that continuing to work on opinions that are no longer needed would be a waste of money.

The committees are expected to finish their work by April, county officials said Wednesday. The rules must be approved by the County Commission before they can take effect.

Under the charter amendment approved by voters, the county will be responsible for paying for the ethics commission.

The cost of the inspector general's office will be shared between the county, cities, towns and other agencies that elect to fall under the post's authority.

South Florida Sun-Sentinel.com

Potential loophole exists in new Palm Beach County ethics rules

By Andy Reid, Sun Sentinel

9:31 PM EDT, October 11, 2010

Advertisement

New ethics rules intended to clean up scandal-plagued Palm Beach County may include a loophole that could let some misuse of power go unpunished.

The county's toughened ethics code that kicked in May 1 requires conflicts of interest or other misuse of position to result in financial gain. But money is not always the goal or the result when government officials or employees abuse their power, Ethics Commission Executive Director Alan Johnson said.

Johnson is recommending that the county consider changing the ethics code to cover conflicts of interest or misuse of office that don't necessarily result in financial gain.

"There's a glaring omission," Johnson said. "If there's not financial gain or loss, the [county code] does not apply."

The proposed change would amend the "prohibited conduct" in the county code from just a "financial benefit" to also include securing a "special privilege, benefit or exemption." That change would make the county's rule more in line with state standards, said Johnson, a former state prosecutor.

The County Commission can change the ethics code. The proposed revision would first go before the newly created Ethics Commission, a five-member, independently appointed board which could weigh in with a recommendation.

Ethics Commissioner Manuel Farach said the ethics code may "need rewriting" to address the prohibited conduct omission.

"It concerns me greatly," Farach said.

County Attorney Denise Neiman said the proposal, still in its early stages, requires further review. She said the

The passage of a tougher county ethics code, the creation of an Ethics Commission and the hiring of the county's first-ever inspector general were among the reform efforts passed in the wake of corruption scandals that had rocked county government since 2006.

Voters on Nov. 2 will be asked to approve a referendum that would embed those reforms in the county's charter and to expand the reach of the new rules, the Ethics Commission and the Inspector General — a full-time corruption watchdog — to local cities.

Four county commissioners during the past four years resigned to face criminal charges for misuse of office.

Three former commissioners — Tony Masilotti, Warren Newell and Mary McCarty — went to prison on federal corruption charges for failing to disclose personal gain connected to the use of their public positions.

Koons, on the other hand, pleaded guilty to state charges of felony extortion, misdemeanor perjury and violating public-meeting and public-record laws. According to prosecutors, Koons' passion for a West Palm Beach waterfront project, not a bid for financial gain, led him to misuse his public office to put pressure on nearby property owners who opposed the effort.

Johnson contends that the Koons' case is an example of conduct that wouldn't necessarily be punishable by the county's new ethics code.

"If it's not financial, we right now have no jurisdiction over it," Johnson said.

While the issue should be explored, it may not be necessary for the county to try to expand the standard set in the ethics code, said David Baker, of the Palm Beach County Ethics Initiative. The initiative includes business and civic groups that backed the reform measures.

The examples of potential abuses of power that Johnson has mentioned already fall under existing state law and the county may not want to try to expand its own jurisdiction of oversight, Baker said.

A reported abuse that doesn't violate the county's ethics code can be forwarded to the state attorney's office and federal authorities.

A change to the county code would likely have to wait until after next month's referendum, county officials said. If the referendum passes, county and city officials will have a chance to update or change the code as part of the implementation process.

"It's certainly worth a conversation," Baker said. "All of this will come again to the floor."

The county's new ethics code includes: tougher lobbying registration and reporting requirements; more disclosure of potential conflicts of interest; more ethics training for county employees and officials; and new limits on gifts county employees can receive.

Violating the county's ethics code can lead to punishments that range from a reprimand to prosecution by the State Attorney's Office as a first-degree misdemeanor, which can result in one year in jail and a \$1,000 fine.

Teresa J. Moore
General Counsel
800 NW 33rd Street, Suite 100
Pompano Beach, FL 33064

Gifts

Palm Beach County inspector general warns against holiday gifts to government workers

By Jennifer Sorentrve

Palm Beach Post Staff Writer

Posted: 10:26 p.m. Saturday, Oct. 30, 2010

The gift baskets and freebies sent to Palm Beach County officials and employees each holiday season may no longer be welcomed.

Inspector General Sheryl Steckler is warning county workers not to accept gifts and other goodies - no matter how well-intentioned the givers might be.

Steckler said she plans to issue an advisory in the coming weeks, cautioning elected leaders and county employees - especially those who **decide contract bids** - that their decisions could be called into question if they take gifts from companies and lobbyists **doing business with the county**.

"It just would be a very good idea, in an effort to continue the positive change of the culture, to really think twice about what you can and cannot receive," Steckler said. "At the end of the day, it is simpler to let the public know gifts are not something to bring to county government."

Those items that can't be turned down should be given to a charity or put out for the public to enjoy, Steckler said.

Traditionally, county commissioners have received an array of treats during the holidays, including toys, turkeys, chocolate and fruit. But commissioners say the giving has tapered off recently as a result of scandals that sent three county commissioners to prison for public corruption.

In August, ex-County Commissioner Jeff Koons also pleaded guilty to one felony count of extortion and one misdemeanor count each of perjury and violating open meeting laws.

When holiday treats are received, most commissioners say, they normally put the food out in their offices for visitors and staffers.

In one case, Santamaria said, he liked the item so much he decided to give it to his granddaughter. He sent the company a check for the singing Christmas toy. The item, he said, was from The Paradies Shops, the company that runs the gift stores at the Palm Beach International Airport.

"I just don't want to have any sympathy for anybody doing business with the county when they come before us," Santamaria said. "I just won't accept anything."

Gift disclosure forms filed with state's Commission on Ethics require commissioners to list only items that exceed \$100. With many of the gift baskets worth less than \$100, commissioners were not required to report them.

Commissioner Karen Marcus reported receiving two holiday gifts under the \$100 limit in December - a \$65 gift basket from the firefighters union and a bottle of Crown Royal Canadian whiskey and chocolates from a Palm Beach Gardens environmental engineer. Marcus said the gifts were not solicited and did not sway her decisions.

But Marty Rogol, a spokesman for Palm Beach County Ethics Initiative, which helped spearhead county ethics reform, called the gifts a "subtle form of bribery."

"It just changes the playing field," Rogol said. "Your decisions get distorted as a result of things like that, whether you are a good person or not."

Steckler points to a bid selection committee meeting she attended shortly after taking the job this summer. The first company brought nothing for the selection committee members. The second came with Danish pastries. The third offered each member a cheesecake.

Ultimately, the company that brought nothing won the bid. But Steckler said if one of the other companies had been chosen, their gifts could have resulted in a bid protest.

"That is just what some companies believe is part of business," Steckler said. "When you deal with government, it is a different story."

Holiday no-no

Palm Beach County Inspector General Sheryl Steckler warns county commissioners and staffers not to accept gifts this holiday season. Most commissioners say they've left the goodies in their offices for visitors and county employees to enjoy.

Commissioner Burt Aaronson

'We'd get boxes of cookies and boxes of popcorn and we'd keep it in the office. I can't even tell you today who sent the popcorn. It is just fine with me if they cut it out completely.'

Commissioner Priscilla Taylor

'If it should change and they say you can't take it, to me it is no big deal. Most of the time they give you sweets and things like that, which I don't need anyway.'

Commissioner Steven Abrams

'I don't recall last year if we got anything. It has been less and less over the years I have been in public office.'

Commissioner Jess Santamaria

'I have returned just about everything. I don't want to feel obligated.'

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MIAMI-DADE

Miami-Dade Commissioner Dorrin Rolle faces ethics questions

Miami-Dade Commissioner Dorrin Rolle launched a company with two people now seeking his vote at County Hall -- raising conflict questions.

BY MATTHEW HAGGMAN
MHAGGMAN@MIAMIHERALD.COM

The race is on for the lucrative government contract to wrap luggage at Miami International Airport. In the middle of the contest: Miami-Dade Commissioner Dorrin Rolle, who chairs the county's airport and seaport committee.

Yet Rolle presided over two committee meetings on the deal last April and June while he was business partners with a lobbyist for one of the bidders; that bidder's consultants include another Rolle business partner.

In June 2008, Rolle filed incorporation papers to launch a consulting firm with lobbyist Mark Coats and former county transit director Roosevelt Bradley. Both are part of the bid by Coral Gables-based Sinapsis Trading USA, which is trying to win the bag-wrapping contract from Miami's Secure Wrap, which employs a cadre of high-powered lobbyists.

The partners say the consulting business never took off and lasted 15 months. Rolle did not respond to interview requests.

Yet his business ties with people seeking County Commission approval for a contract crosses an ethical line, according to interviews and records.

Under the county's ethics ordinance, commissioners are forbidden from participating -- let alone voting -- on matters that include a fellow "officer, director, partner."

State law similarly says elected officials shouldn't vote on measures that ``would inure to the special private gain or loss of a relative or business associate."

It is up to the elected official -- not the business partners -- to declare the conflict.

``It is textbook that you shouldn't be engaged in this sort of activity," said Robert Jarvis, law professor at Nova Southeastern University. ``You are not supposed to vote on, or participate in, anything in which you have a personal interest -- or in which someone you are doing business with would benefit."

Following inquiries from The Miami Herald, Miami-Dade's Commission on Ethics and Public Trust has been asked by the County Attorney's Office to provide an ethics opinion on the matter, said Executive Director Robert Meyers.

Rolle did not previously ask that the agency weigh in, Meyers said. In 2008, however, Rolle did ask Meyers about the general ethical boundaries for outside employment. Meyers cautioned then that a conflict is created if a party he has a ``special relationship" with -- such as an officer or director -- comes before the commission.

``The point here is that any of these enumerated relationships would create a voting conflict for you, which should trigger recusal on your part," Meyers wrote Oct. 23, 2008.

Bradley, Rolle and Coats are listed as corporate officers of BRC Consultants Inc., state filings show. A house owned by Rolle was the company's registered agent address; a Bradley-owned residence was listed as the primary place of business.

``This was something that was done online, but nothing ever came of it," Coats said.

Said Bradley: ``It was a concept that never took off. There was no bank account, there was no office. There was nothing."

But simply forming a business partnership can create a conflict. It doesn't matter if the firm made any money when it comes to county and state ethics law, ethics experts say.

``It's not a meaningful or even relevant distinction," said Tony Alfieri, a University of Miami law professor who heads an ethics center.

In September, BRC Consultants was dissolved, corporate filings show. While the company was listed as active, Rolle also presided over meetings -- and participated in votes -- involving other clients represented by Coats.

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Says there's not enough evidence to support Sunshine Law violation

August 18, 2010 | By Lisa J. Huriash, Sun Sentinel

FORT LAUDERDALE — Moments before a jury was to hear closing arguments Wednesday in the trial of two suspended Coral Springs commissioners, a county judge dismissed the charges.

"You are assuming the appearance of impropriety creates impropriety," Judge Fred Berman told the prosecutor, But Berman disagreed.

While he questioned the judgment of Tom Powers and Vincent Boccard meeting privately, he said, they did nothing illegal.

Suspended since March 29, Powers and Boccard were charged with a second-degree misdemeanor, violating the Government in the Sunshine Law. Prosecutors say they met outside the public eye on March 11 with police union officials Michael Hughes and Christopher Swinson.

Had they been convicted, Boccard and Powers could have been sentenced to up to 60 days in jail and fined \$500.

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Immediately after Berman announced there was not enough evidence to proceed, Powers' wife began to cry, Boccard called the governor's office to get reinstated to the commission, and Powers' attorney said Powers would file a Florida Bar complaint against State Attorney Michael Satz for pursuing the case to begin with.

The public believed that Satz's office was "weak on public corruption, and forced two innocent people to go to trial with no evidence," said Kevin Kulik, Powers' lawyer. "He refused to throw out the case when our clients were innocent. That's dangerous.

"Let's see how he likes being charged with something," Kulik said.

Powers added: "I was a police officer for 21 years. I am saddened and deeply concerned with the decision by some in this case to use the criminal justice system as a personal bully pulpit to carry out political agendas."

Prosecutor David Schulson said both men had been warned before.

"The criminal justice system was not used for any political purpose by anyone in this particular case. In 2009 Commissioners Boccard and Powers were put on notice they must comply with the Sunshine Law. On March 11, 2010 ... they put themselves in a position which triggered the criminal investigation."

Satz's office defended the decision to pursue the case.

"We did the right thing," his spokesman Ron Ishoy said in a statement. "We conducted an investigation and determined that there was probable cause and that we had a good faith basis to file the sunshine law violation. Based on that investigation, we determined that there was a reasonable likelihood of conviction."

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Crist suspends 2 Coral Springs commissioners charged with Sunshine Law violations

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Tom Powers (left) and Vincent Boccard

By LISA J. HURIASH South Florida Sun-Sentinel

Updated: 2:21 p.m. Tuesday, March 30, 2010 Posted: 10:18 a.m. Tuesday, March 30, 2010

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Two Coral Springs commissioners charged with violating state open government law were suspended Monday by Gov. Charlie Crist.

Commissioners Vincent Boccard and Tom Powers are accused of meeting secretly with two police union representatives on March 11 at a Coconut Creek sports bar to talk about a salary freeze and union negotiations. Florida's Government in the Sunshine Law says such conversations must take place in a public forum.

The charge against Boccard and Powers is a second-degree misdemeanor. If convicted, each man could be fined up to \$500 and/or spend up to 60 days in jail.

The city charter requires the rest of the commission to appoint replacements pending resolution of the charges.

"I didn't do anything wrong," Boccard said. "I'm totally confused." He referred further questions to his attorney, James Stark, who could not be reached Monday.

Powers' attorney, Kevin Kulik, said his client is innocent and will plead not guilty.

"He'll be completely exonerated," Kulik said. "Tom and Vince did not do anything wrong and at this point it's just an allegation."

The commissioners were captured on surveillance video walking into Bru's Room Sports Grill, where they met with two union officials, Michael Hughes and Christopher Swinson, for more than an hour, officials said.

A third police official who was not present reported the meeting to the Broward State Attorney's Office, which decided to prosecute.

"We met to make amends and work toward the future," said Hughes, the union president. "It was not a setup. I didn't know when we met that it was a violation."

Before he was elected to the Coral Springs City Commission in 2008, Powers spent 21 years with the Arizona State Police, most of it working as a narcotics agent.

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Boccard was elected in 2006.

The relationship between the commission and the city's Police Department has been strained since the commission voted against employee pay raises for the 2009-2010 fiscal year.

The union's attorney, John Fry, said his colleagues did not create a Sunshine Law violation. "There's a contractual dispute going on, but we made no effort to get anybody in trouble," he said.

"My guys were trying to mend fences with these two," Fry said of the March 11 meeting. "We went to build a better relationship with these two. Of course, that's shot to hell now. They met to bury the hatchet, not talk about future events. Nothing good comes out of this for the union."

The last time the Broward State Attorney's Office charged elected officials with violating the Sunshine Law was in 2005. That case involved four elected Pompano Beach officials who were accused of meeting over breakfast with then-Sheriff Ken Jenne before a vote to extend the city's contract with his office.

The commissioners who attended that meeting — Kay McGinn, Susan Foster, Lamar Fisher and George Brummer — agreed to donate \$200 each to charity to settle the case.

Recently, State Attorney Michael Satz has been criticized as being soft on public corruption. A Sun Sentinel analysis of public records published in February shows that over the past 10 years his office's anti-corruption unit has filed official misconduct charges against 218 individuals, only 13 of whom were sitting politicians.

Fry said the State Attorney's Office is jumping on this opportunity to prosecute.

"In light of multiple decisions not to pursue criminal charges against public officials, the State Attorney's Office has picked this nonstarter to pursue," he said.

David Schulson, the prosecutor in the new case, disagreed.

"The Sunshine Law is about open government and is meant to stop the discussion of city business in private, backroom meetings," he said. "There is no hidden agenda with this prosecution. The prosecution is about a violation of the Sunshine Law, nothing more, nothing less."

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Crist's office reinstates 2 Coral Springs commissioners

August 27, 2010 | By Lisa J. Huriash, Sun Sentinel

CORAL SPRINGS — The governor's office on Friday formally reinstated suspended city commissioners Tom Powers and Vincent Boccard.

The two were suspended by Gov. Charlie Crist on March 29 after accusations of Sunshine Law violations. But on Aug. 18, Judge Fred Berman dismissed the charges, saying there wasn't enough evidence.

Crist's office attributed the delay in reinstatement to the time required to review court documents.

"We wanted to make sure we had an opportunity to look at all the court records, the orders from the judge, evidence that was taken in the case before we reinstated the commissioners," said spokesman Sterling Ivey. "The governor takes his authority to suspend elected officials very seriously. Before reinstating, we want to make sure everything is appropriate"

Boccard and Powers were elated to get the news.

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"I knew from the beginning we had done nothing wrong and it's great to have that confirmed," Powers said.

The Broward State Attorney's Office filed charges after the commissioners met with police union officials Michael Hughes and Christopher Swinson on March 11. Prosecutors said the four were discussing city business out of the public eye, a second degree misdemeanor.

Their defense attorneys said the conversation focused only on past issues — nothing that was scheduled to be voted on.

On April 16, the commission appointed two former Coral Springs commissioners, Bill Stradling and Ted Mena, to fill the empty seats pending the trial outcome.

On the second and final day of the trial, Berman threw out the case.

Frustrated with Powers and Boccard not being able to resume their roles, the Coral Springs commission sent Crist a letter Wednesday asking the suspensions be revoked quickly. They got their answer Friday afternoon.

Boccard said: "As long as I was back on the dais by the Sept. 7 commission meeting, I didn't care how long it would take the governor. It vindicates Tom and I to the fullest. I hope the voters can see I'm a good and honest politician. My integrity has been restored."

Lisa J. Huriash can be reached at lhuriash@SunSentinel.com or 954-572-2008.

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[Prosecutor Replies To Critics Of Coral Springs Sunshine Law Case](#)

PROSECUTOR DAVID SCHULSON REPLIES

I have served as a prosecutor for more than 20 years in Miami-Dade and Broward, and am proud of these years of service. It has been disappointing in recent years to read the ongoing criticism of prosecutors and the Broward SAO when many of the comments are simply inaccurate and untrue.

Last week defense attorney **Kevin Kulik** initiated [a public attack](#) against State Attorney **Michael J. Satz** and the Broward SAO for the recent prosecution of Coral Springs Commissioners **Tom Powers** and **Vince Boccia** for a Sunshine Law Violation. The decision to file the charge was based upon the sworn statements of Coral Springs PD Officers and police union leaders **Michael Hughes** and **Christopher Swinson**. They were reluctant witnesses from day one because they felt that a prosecution might jeopardize their ongoing union contract negotiations. Nevertheless, their initial sworn statements provided a good-faith probable cause basis to support filing a Sunshine Law Violation. After the depositions of Officers Hughes and Swinson, I remained convinced that there was a reasonable likelihood of conviction as the key evidence remained in place; two commissioners meeting together with two officers to discuss city business that would soon come before the Coral Springs Commission. While I respect Judge Berman and his decision to enter a Directed Verdict, I still do not agree that the Judge should have taken this case from the jury's consideration.

Finally, it should be noted that I did not "set up" a meeting with Mr. Satz. It was **James Stark**, counsel for Commissioner Boccia — not Kevin Kulik, counsel for Commissioner Powers — who initiated a plea discussion with me. I then advised Mr. Stark that any negotiated resolution would have to be reviewed and approved by Mr. Satz. Mr. Stark, **Tim Donnelly**, and I then met with Mr. Satz and the meeting resulted in no resolution. Mr. Satz did not "order" a trial; the defendants executed their constitutional right to a jury trial.

In my 15 years as an Assistant State Attorney in Broward, I have probably tried more than 150 cases, and I have also reduced charges and *nolle prossed* cases when appropriate. Throughout my career, my goal has always been to be professional, just and fair in my handling of cases. This is a goal that Mr. Satz not only expects, but requires, of all his prosecutors. This case was no exception to that high standard.

David Schulson
Assistant State Attorney
17th Judicial Circuit

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18 Responses to “Prosecutor Replies To Critics Of Coral Springs Sunshine Law Case”

1. *Stone Cold's Bottom Line* says:
[August 23rd, 2010 at 5:32 pm](#)

uuuuhhhh.....David.....

CASE DIIIISSSMIIIISSSSSED!!!!!!!!!!!!!!

2. *Janee* says:
[August 23rd, 2010 at 5:33 pm](#)

Schulson is a hack and Satz is asleep at the wheel.

3. *South Ocean* says:
[August 23rd, 2010 at 6:12 pm](#)

Mr. Satz did not ‘order’ a trial. He just did not reach a negotiated resolution.

Does the phrase “a difference without a distinction” apply here?

4. *watcher* says:
[August 23rd, 2010 at 7:29 pm](#)

i believe he’s sincere...dropping the case without trial would have resulted in even more outrage....

5. *nice try* says:
[August 23rd, 2010 at 8:35 pm](#)



From the South Florida Business Journal:
<http://www.bizjournals.com/southflorida/stories/2010/07/05/daily9.html>

Wasserman-Rubin turns herself in, posts bond

South Florida Business Journal

Date: Tuesday, July 6, 2010, 6:02pm EDT

Following the issuance of a warrant for her arrest, former Broward County Commissioner Diana Wasserman-Rubin turned herself in to authorities Tuesday evening.

She posted \$24,500 in bond just before midnight.

Earlier in the day, Wasserman-Rubin resigned her seat.

The warrant, obtained by the Broward State Attorney's Office, lists seven counts of unlawful compensation for improperly advocating for and benefiting from government grants written by her husband, Richard Rubin.

According to the arrest affidavit, Wasserman-Rubin is alleged to have:

- voted six times to approve and fund grants written by her husband for the town of Southwest Ranches to purchase three parcels of land for parks.
- voted twice to approve and fund a grant written by her husband to purchase land for another Southwest Ranches park.
- voted twice to approve and fund a grant written by her husband to purchase a piece of property called Southwest Meadows Sanctuary.
- twice had county staff put Southwest Ranches grant applications written by her husband on the county commission agenda.
- voted three times to approve and fund a Southwest Ranches grant application written by her husband to purchase Rural Passive Park.
- voted in favor of a grant application written by her husband for Southwest Ranches to purchase an easement to preserve Silk Oak Farms.

Investigators allege that Rubin received three \$15,000 bonuses for his work on successful grants that were supported by his wife.

Four counts are second-degree felonies and three counts are third-degree felonies. A second-degree felony carries a maximum 15-year sentence and/or a \$10,000 fine, while a third-degree felony carries a maximum five-year sentence and/or a \$5,000 fine.

The arrest warrant, signed by Broward Circuit Judge Michael A. Usan, was filed with the Broward Clerk of Courts on Tuesday afternoon.

Wasserman-Rubin is just the latest in parade of South Florida public corruption indictments.

Previously, Broward County Commissioner Joseph Eggelation was charged with bribery and public corruption. He pleaded guilty in December to a money laundering conspiracy and was sentenced to two-and-a-half years in prison.

Tamarac Commissioner Patricia Atkins-Grad was arrested in June on charges developers gave her an election party and payments for a BMW.

In other cases:

- Beverly Gallagher, a Broward County School Board member, was arrested and charged last year with bribery and fraud over school construction contracts. She began serving a three year and one month sentence for bribery on Friday, the South Florida Sun-Sentinel reported.
- Angel Gonzalez, a Miami city commissioner, pleaded guilty to a second-degree misdemeanor and resigned late last year after using his position to land his daughter a job at the **Delant Construction Co.** She earned \$47,000 over a 22-month period without ever working. His plea deal spared him jail time.
- Ray Liberti, a West Palm Beach city commissioner, pleaded guilty to federal corruption charges and served 14 months in prison. Liberti exploited his elected position to force

a business to sell out to a real estate investor at a discounted price in return for cash and gifts.

- Tony Masilotti, a Palm Beach County commissioner, was sentenced to five years in prison after pleading guilty to honest services fraud charges related to secret land deals that netted him millions of dollars in personal profit.
- Mary McCarty, a Palm Beach County commissioner, last July began serving a sentence of up to 42 months after pleading guilty to a corruption charge. McCarty accepted free hotel rooms from a Delray Beach developer vying to build a county convention center hotel, and failed to disclose personal profits gained from county bond issues handled by a firm where her husband worked.
- Warren Newell, a Palm Beach County commissioner, is serving jail time after pleading guilty to conspiracy to commit honest services fraud over profiteering from real estate deals that came before the county commission. He could be released later this year.
- Fitzroy Salesman, a Miramar commissioner, was found guilty in April of accepting money to steer city work to undercover FBI agents posing as contractors. He took \$3,340 when he was in office and \$1,000 while he was suspended from office, according to prosecutors. His sentence is pending.
- Keith Wasserstrom, a Hollywood city commissioner, went to jail in January to serve a 60-day sentence after being convicted of felony misconduct over his shepherding of a \$18 million city contract for sludge processing to a firm his law firm represented.

Voting Conflict

The Miami Herald

Posted on Mon, Oct. 04, 2010

Broward School Board member Stephanie Kraft charged with bribery

BY CARLI TEPROFF, PATRICIA MAZZEI AND AMY SHERMAN
cteproff@MiamiHerald.com



BROWARD SHERIFF'S OFFICE

Broward School Board member Stephanie Kraft and her husband, Mitch.

Broward School Board member Stephanie Kraft on Monday became the latest public official to get caught in a wave of high-profile corruption arrests that have exposed cozy ties among South Florida politicians, developers and lobbyists.

Kraft and her husband, attorney Mitch Kraft, surrendered at the Broward County Jail Monday morning on a slew of bribery and misconduct charges related to a 2007 project where the couple allegedly helped a father-son developer team get a \$500,000 break on fees owed to the school district. The Krafts could face decades in prison if convicted.

Grasping each other's hand, they walked out of jail together just after 10 p.m. A stoic but silent Stephanie Kraft, known to be a patron of the arts in the public schools, was wearing a music note pinned to her jacket. She jokingly stuck out her tongue and pretended to bite down when questioned by reporters.

The charges, from the Broward state attorney's office, come a year after the arrests of three Broward politicians in separate federal corruption cases that left the county reeling and raised questions about the unethical behavior of elected officials at all levels of local government.

The arrests of former County Commissioner Josephus Eggleton, former Miramar City Commissioner Fitzroy Salesman and former School Board member Beverly Gallagher prompted a renewed push for ethics reform

throughout the county. Also facing corruption charges: former Broward County Commissioner Diana Wasserman-Rubin, who stepped down after allegations arose involving her husband's grant-writing. The case is pending.

NEXT CASE?

Amid the turmoil, chatter continues in Broward's tight power circles about who will draw investigators' eye next.

Attorneys working with a statewide corruption grand jury recently asked County Commissioner Lois Wexler, a former School Board member who served with Kraft, to come in and "help connect some dots" but not testify, Wexler said. The lawyers didn't specifically identify Kraft or anyone else but told her the interview, scheduled for later this month, is in connection to the school district.

Stephanie Kraft, a lawyer and minivan mom, represented a change in the status quo when she campaigned alongside her school-age daughter and ousted a much better financed, longtime incumbent in 1998 for the seat that represents Northwest Broward. Before talk of her investigation surfaced, she had considered running for higher office, including state Legislature and County Commission.

Last January, the 54-year-old Democrat announced she would not seek reelection after nearly 12 years in office. She said her retirement was prompted by her daughter's graduation from a public high school last year -- and not by rumors of an investigation into her and her husband's dealings, or by Gallagher's arrest.

Mitch Kraft, 58, who unsuccessfully ran for Coral Springs commission in 2006, is a former city attorney for Tamarac and is currently a code enforcement special master -- a role similar to a judge -- for Deerfield Beach.

Shortly after Gallagher's downfall, Stephanie Kraft acknowledged her husband did work for a company owned by former board lobbyist Neil Sterling. Federal agents had questioned board members about Sterling's influence on the board after Gallagher's arrest.

Among other clients, Sterling represented Vista Healthplan, the school district's insurance provider. Kraft was chairwoman of an advisory committee that agreed to go from two insurance providers -- Humana and Vista -- to just Vista, a move that came under scrutiny as premiums for Broward schools employees to cover their dependents soared.

But it was ties to Coral Springs developers that prosecutors cited in Monday's

arrests.

School district records suggest that Mitch Kraft had worked for Bruce and Shawn Chait, developers who were arrested in December after Eggelletion, the former county commissioner, told prosecutors he had accepted \$25,000 in cash -- and a golf membership -- from them.

The Chaits own Prestige Homes, a company that had to pay the school district fees for the impact a 518-unit Tamarac housing development would have on public schools. The district originally told Prestige it had to pay \$1.7 million in fees.

According to the documents charging the Krafts, Bruce Chait contacted Mitch Kraft to help reduce the payment. Kraft told him he ``would handle matters behind the scenes."

``Bruce Chait says he hired Mitch Kraft because he was married to Stephanie Kraft, and considered it insurance that nothing could go wrong," the arrest affidavit says.

The fee-payment was reduced to \$1.2 million.

The item was scheduled to go before the School Board for a vote in August 2007, according to the affidavit. But the Chaits wanted a decision by July, when they had to finish a closing.

Stephanie Kraft reached out to several district staffers to make sure the item was placed on the July 2007 date requested by the Chaits, the affidavit says -- even though the item was not ready, according to some staff members, and the Chaits had not turned in their required paperwork in time.

School district records show Kraft sent an e-mail on July 11, 2007, asking then-construction chief Michael Garretson about an agenda item for the July 27, 2007 meeting.

``What agenda item # will that item be that we spoke about yesterday regarding the development of the golf course? Thanks," Kraft wrote in the e-mail.

Kraft was present at that July meeting but not on the dais when the vote was called. However, she did not file a conflict disclosure form as required by state law.

In October of that year, the Chaits paid Mitch Kraft \$10,000 for his work, according to the affidavit.

State law says elected officials are not allowed to vote on matters that would benefit a relative or business associate. They also cannot participate in those matters without previously disclosing a conflict of interest.

In August, the Chaites pled guilty to making tens of thousands of dollars in payments to local politicians and were sentenced to four years' probation.

Kevin Kulik, who represents Mitch Kraft, said the Chaites were "highly motivated to save their own skin."

"Their false accusations should never have been used to charge the Krafts," he said.

Kenneth Padowitz, Stephanie Kraft's lawyer, also said the couple is innocent.

"We look forward to our day in court, where they will both be vindicated," he said.

THE CHARGES

The Krafts each face charges of unlawful compensation, bribery, official misconduct and conspiracy to commit unlawful compensation and/or bribery. The first two charges -- second-degree felonies -- each carry a maximum sentence of 15 years. The other charges -- third-degree felonies -- each carry a maximum five-year sentence.

Gov. Charlie Crist removed her from office Monday afternoon, but it is unlikely he will appoint a replacement to her seat, which will be filled in next month's election between high school teacher Dave Thomas and parent Jaemi Levine.

On Monday, Superintendent Jim Nottter said Kraft's arrest would not change the district's commitment "to keeping the focus on improving the academic achievements of our students in a safe and secure learning environment."

Miami Herald staff writers Laura Figueroa and Daniel Chang contributed to this report.