

**Palm Beach County Fall Term 2006
Grand Jury Presentment
Part B
January 31, 2007**

**Individual Unethical Behavior within the City of West Palm Beach Ethics
Committee**

Factual Basis:

The testimony and evidence before this Grand Jury established facts as follows:

On July 12, 2006, after the discovery of Republic Properties Corporation's illegal connection to now West Palm Beach City Commissioner Ray Liberti¹, City of West Palm Beach Mayor Lois Frankel announced the formation of an Ethics Committee. She appointed all members including her friend State Representative Mary Brandenburg.

In July 2006, after her appointment to the Ethics Committee, Mary Brandenburg met with members of the Northwood Renaissance, a non-profit community development corporation in the north end of the city of West Palm Beach. This organization is comprised of volunteers whose mission is to revitalize poor areas and to bring about and support affordable housing opportunities for low to moderate income residents. In attendance at this meeting held at Northwood on 24th Street, were Mary Brandenburg, volunteer President Carl Flick, Executive Director Terri Murray, political consultant Donna Brosemer, and private banker Terry Fox, who is a volunteer board member that serves as Treasurer and Real Estate Committee Chair of Northwood Renaissance.

¹ Republic Properties Corporation, a real estate development company, paid consulting fees to then City Commissioner Ray Liberti in relation to the City Center project.

The purpose of the meeting was to discuss with Rep. Mary Brandenburg, in her role as an Ethics Committee member, the Northwood Renaissance's perceived ethics violations by the City of West Palm Beach in conjunction with the development of a "Village Center" project and a Publix supermarket in the Northwood business district. Northwood Renaissance members expected Rep. Brandenburg to address these ethical issues as part of the Ethics Commission's work and create some type of code of conduct of acceptable behavior.

Mary Brandenburg dismissed that discussion and immediately addressed her own agenda, a lesson on how to get things done in the City of West Palm Beach. She made it very clear that if Northwood Renaissance wanted to make progress in the political arena of the City of West Palm Beach, they were going to have to play the game the way everybody else did. The members of Northwood Renaissance were flabbergasted that the Mayor would meet with Carl Flick.

The agenda of Rep. Brandenburg progressed to how commissioners or elected officials could receive compensation for their votes. Mary Brandenburg discussed the right way and the wrong way to make contributions, giving an example of an inappropriate way to offer money: bribes and bogus consulting agreements with a spouse of the elected official.

At the end of this 2 ½ hour meeting, Cal Flick, was taken aback by what Mary Brandenburg had said. He needed to sleep on it and would get back to her. The

following day, Mary Brandenburg made it very clear, you've got to. Carl Flick did not request a meeting with the Mayor.

There is no testimony or evidence that Mary Brandenburg was acting at the direction of Mayor Frankel.

The Grand Jury evaluated the testimony and noted at some points Rep. Brandenburg's responses to questions, of a meeting that occurred recently (July 2006), indicated at best a lack of accurate memory. The Grand Jury found other witnesses to have more accurate memories. Further, the Grand Jury found corroboration of the July 2006 meeting in the testimony heard and records, including a phone message, reviewed. This Grand Jury finds the testimony from the Northwood Renaissance witnesses to be compelling and credible. Applying jury instruction 3.9, this Grand Jury questions the reliability of Rep. Brandenburg's testimony. The Grand Jury relied upon the credible testimony and evidence.

Conclusions

Mary Brandenburg is a friend of Lois Frankel. Mary Brandenburg met with representatives of the Northwood Renaissance in her capacity as a member of the Ethics Committee of the City of West Palm Beach. Of significance, is that Mary Brandenburg met with volunteer members of a non-profit organization and instructed that the way to successfully conduct business in the City of West Palm Beach was to write substantial checks to the Mayor's campaign account.

Mary Brandenburg did not act ethically in her position as an Ethics Committee member. The conduct she exhibited in her position as Ethics Committee member in the meeting with the Northwood Renaissance can only be described as unethical. Her goal was clear and concise: Deliver a message to the Northwood Renaissance organization. Act like all the other developers. “Pay to play” in the City of West Palm Beach. Financial contributions will make you an insider. Financial contributions will get you votes, variances, and support.

Mary Brandenburg’s conduct and message articulated the “pay to play” atmosphere of the City of West Palm Beach. Her message was and is indicative and confirmatory of the “pay to play” environment in which developers conduct business in the City of West Palm Beach.

This Grand Jury is appalled by Mary Brandenburg’s lack of compassion and concern for the citizens of West Palm Beach. This Grand Jury applauds the Northwood Renaissance organization and supports their continued efforts, and is saddened by the loss of affordable housing opportunities for lower and middle income residents of the City of West Palm Beach.

The citizens of the City of West Palm Beach and Palm Beach County expect and deserve integrity and ethics in their elected officials.

It is the recommendation of this Grand Jury that this report be furnished to the following:

Governor Charlie Crist
Ken Pruitt, Senate President
Marco Rubio, Speaker of the House
House Committee on Ethics & Elections in care of Chair Pat Patterson
Senate Committee on Ethics & Elections in care of Chair Lee Constantine
Philip Claypool, Executive Director and General Counsel, Florida Commission on Ethics
Chris Anderson, Legal Counsel, Florida Commission on Ethics
Chance Irvine, Chair, Florida Elections Commission
Commissioner Isaac Robinson
Commissioner Kimberly Mitchell
Commissioner Jeri Muoio
Commissioner William Moss
City Attorney Claudia McKenna
Northwood Renaissance in care of Mr. Carl Flick
~~Ethics Committee in care of Chair Keith James~~
Ms. Wendy Sartory Link, Chamber of Commerce of the Palm Beaches
State Representative Mary Brandenburg; and
Mayor Lois Frankel

The Grand Jury respectfully submits this unanimous report this 31st day of January, 2007.



FOREPERSON OF THE GRAND JURY



MARY ANN DUGGAN
ASSISTANT STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT