

**MINUTES OF THE SPECIAL COMMUNITY REDEVELOPMENT AGENCY BOARD
MEETING HELD ON TUESDAY, AUGUST 31, 2010 AT 6:30 PM
IN THE BOYNTON BEACH LIBRARY,
208 S. SEACREST BLVD., BOYNTON BEACH, FL**

PRESENT:

Jose Rodriguez, Chair
Marlene Ross, Vice Chair
Woodrow Hay
Steve Holzman
William Orlove

Lisa Bright, Executive Director
James Cherof, Board Attorney

I. Call to Order

Chair Rodriguez called the meeting to order at 6:30 p.m. after the opening of the Special City Commission meeting.

II Roll Call

Roll call was not taken. All members were present.

III. Update on Investigation of Executive Director

Attorney Cherof informed the Board there had been several communications with Ms. Bright's attorney, articles in the Palm Beach Post relating to the investigation and a social encounter with the investigator retained. Attorney Cherof had been emailing the Board in an attempt to keep them apprised of the ongoing developments.

Attorney Cherof reported it appeared Ms. Bright was under investigation by the State Attorney's office and her attorney implied that office should be the sole party to conduct any investigation. Communication directly with the State Attorney's office revealed that any administrative investigation ongoing by the Board would not interfere with whatever investigation was being done by the State Attorney's office. Crispin Investigative Group was then advised to move forward with their investigation.

Mr. Garcia, Ms. Bright's attorney, had made a public records request for all the documents gathered by the investigator to date. The documents were delivered to Attorney Cherof and would be provided to Mr. Garcia. Attorney Cherof cautioned as those records become public, others including the media, will have access to the records as well copies to the Board members.

Attorney Cherof would continue with the investigation as directed by the Board. He noted Ms. Bright was not willing to engage in a question and answer session with the investigator. The investigator had completed all the footwork and all the appropriate documents had been gathered with only a few interviews remaining. The investigator estimated his work would be complete in a week to 10 days. Some of the outcome would be obvious from the documents that have been requested by Ms. Bright's counsel.

Mr. Hay questioned how the State Attorney had gotten involved and Attorney Cherof replied he did not know. No one else had any knowledge. It appeared to Mr. Hay that the State Attorney's office action would supersede any local consequences and he saw no need to continue and waste taxpayer monies.

Mr. Orlove established the extent and nature of the State Attorney's investigation was unknown and could be totally different. Attorney Cherof advised it would be different because the Board would have no authority to initiate or complete any type of investigation involving a violation of criminal law or State statute. He continued that the Board's investigation would be only to understand the relationship between the Executive Director and an individual who received contracts from the CRA and if that was appropriate under the terms of Ms. Bright's contract.

Chair Rodriguez summarized there was a criminal investigation by the State Attorney's office and an administrative investigation authorized by the CRA Board.

Attorney Cherof clarified when the motion was initially made to conduct an investigation there were rumors that there would be a State investigation also. He had called the State Attorney's office directly to ask the question. Although they would not confirm or deny an ongoing investigation, their response a few days later was there would be no issue with the Board's investigation proceeding.

Mr. Hay inferred that Attorney Cherof's inquiry had initiated the State investigation which was emphatically denied by Attorney Cherof. Mr. Hay wanted to know the basis of any criminal investigation and how it had been initiated because the Board was involved. Attorney Cherof offered to again call the State Attorney's office and attempt to get an answer to Mr. Hay's questions, but he suspected they would not respond because it would reveal the scope of their investigation. Attorney Cherof opined the Executive Director may know the answer and could be asked the same questions.

Mr. Orlove asked Attorney Cherof if the Board could proceed with the investigator or would the rumored past relationship compromise the investigation or investigator. Based on the current information, Attorney Cherof advised it would not, because neither the investigator, Executive Director nor her attorney have indicated the relationship is anything more than a coincidental meeting at a restaurant bar where a few words were

exchanged and a business card offered. There has been no indication the contact was anything more and the investigator does not even recall meeting Ms. Bright at the location. He conceded it was possible and he does hand out his business cards whenever possible.

Vice Chair Ross inquired when the communications with the State Attorney's office had commenced. Attorney Cherof answered it was sometime after July 20th.

Chair Rodriguez understood the Executive Director would not cooperate and not answer questions of the Board's investigator. Attorney Cherof confirmed the communication from Ms. Bright's attorney had so indicated. Attorney Cherof speculated after the report would be filed, some type of rebuttal may be forthcoming from her counsel.

Mr. Hay asked if the reason for not answering any questions was known. Attorney Cherof suspected her counsel would be concerned any answers in an administrative investigation could be used against her in a criminal prosecution. The Garrity warning rule could only be utilized if the employee were ordered to answer and told if no answer is given they could be disciplined or terminated. On three occasions, Mr. Garcia had been advised that the Garrity warning implications did not apply. Mr. Hay solicited public comment, but Chair Rodriguez would not allow public comment.

Chair Rodriguez did not support stopping the investigation only a week or 10 days from the report. He stressed the Board was not ordering the Executive Director to cooperate. Attorney Cherof added this type of investigation has a dual purpose and advised it would be best to conclude the investigation.

Mr. Hay had no problem with the investigation, but felt uncomfortable with the State investigation because nobody knew how it got initiated. Attorney Cherof proposed that somebody had filed a complaint with the State Attorney's office unless they were independently tracking the activity and saw a need to investigate. At the conclusion of their investigation there would be a report that would indicate the origin of the investigation. Mr. Hay understood, but felt the issue had escalated out of control.

Mr. Holzman commented and agreed with Attorney Cherof the Board investigation was separate and apart from any criminal investigation undertaken by the State Attorney's office. The Board was investigating a relationship and how it may or may not have affected the Executive Director's decision in issuing contracts. He maintained the investigation should continue.

Attorney Cherof advised no motion was necessary. The meeting was to provide a status of the investigation and that he would continue to follow the original direction from the Board.

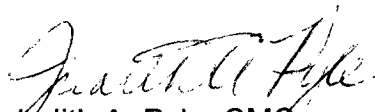
Chair Rodriguez declared there was consensus to continue the investigation that was approved.

IV. Public Comments

No public comment was permitted.

V. Adjournment

Chair Rodriguez adjourned the meeting at 6:44 p.m.


Judith A. Pyle, CMC
Deputy City Clerk