

M I N U T E S

MONDAY, June 14, 2010 – 8:00 a.m.

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
EXECUTIVE COMMITTEE**

McEaddy Conference Room
12th Floor, 301 N. Olive Avenue
West Palm Beach, Florida 33401

Members Present:

Peter Blanc
Douglas Duncan
George Elmore
Feirmon Johnson
William Kramer
Marti LaTour
Gerald Richman

James Barr (ex officio Executive Committee)

Members Absent:

Ric Bradshaw
Barbara Cheives
Carey Haughwout
Frank Kitzerow
Michael McAuliffe

Art Johnson (ex officio
Executive Committee)

Guests Attending:

Judge August Bonavita, Chair – Probation Advisory Board
Maureen Brickous, Pride Integrated Service, Inc.
Wanda Joiner, Pride Integrated Service, Inc.
Susan Spencer-Wendel, Palm Beach Post
Louis Tomeo, Clerk & Comptroller's Office
Paul Zacks, State Attorney's Office

Staff Present:

Michael L. Rodriguez, Executive Director
Journey Beard, Crime Prevention Project Specialist
Arlene Burton-Griffiths, Administrative Secretary
Wayne English, Sr. Criminal Justice Analyst
Shahzia Hashmi, Intern
Damir Kukec, Research & Planning Manager
Jenise Link, Sr. Criminal Justice Analyst
Rosalind Murray, Program Development Specialist
Brenda Oakes, Youth Violence Prevention Planning Coordinator
Michael Santorsola, Student Intern
Mike Szakacs, Financial Analyst II
Candee Villapando, Criminal Justice Analyst
Becky Walker, Criminal Justice Programs Manager

- I. Vice Chair Douglas Duncan called the meeting to order at 8:10 a.m.
- II. Roll call was taken and a quorum was present.
- III. Vice Chair Duncan welcomed members and invited guests to introduce themselves.

- IV. The agenda was unanimously approved after motion by Chief Judge Peter Blanc and second by Mr. George Elmore.
- V. The minutes of the June 14, 2010 Executive meeting were unanimously approved after motion by Chief Judge Peter Blanc and second by Mr. James Barr.
- VI. Under Vice Chairman's Comments, Mr. Duncan reminded everyone to use the microphone when speaking to be heard clearly.
- VII. Under Executive Director's Comments, Mr. Rodriguez:
 - A. Announced a Reentry Task Force workshop entitled "Keeping Your Kids Safe" to be held in West Palm Beach, Hallandale Beach and Miami on June 23, 24 and 25.
 - B. Reported that Governor Charlie Crist vetoed the \$175,000 in this year's budget for Fixed Capital Outlay for a permanent site location for the Palm Beach County Juvenile Assessment Center (JAC) and noted that the current JAC lease ends in 2016. Mr. Rodriguez thanked Mr. Todd Bonlarron, Director of Legislative and members of the Palm Beach County Delegation who actively lobbied for the funds; Representative Pafford who took the lead in the House supported by Representative Abruzzo and Sachs, as well as Senator Atwater from the Senate for their contribution in this regard. He said that Commissioner Aaronson and Mr. Bonlarron continue to advocate with the Governor's Office to resolve this issue.
- VIII. Business Consent Item

There were no business consent items.
- IX. Old Business

There were no old business items for discussion.
- X. New Business:
 - A. Mr. Rodriguez reported that some months ago he received a letter from an ex employee of Pride alleging that Pride was moving funds from one account to another, thereby delaying payments to victims of crimes. He has since spoken with Dawn Wynn, County Attorney who advised that there was nothing in the statute about the timing of restitution payments or the movement of funds. After reviewing the contract however it was determined that there could be some problems with the contractual obligations. The County's Internal Auditor was then contacted and after discussing the matter, the Auditor felt that CJC's best position was to investigate the allegation.

Judge August Bonavita, Chairman of the Probation Advisory Board (PAB) in presenting the findings of the investigation, thanked Mr. Damir Kukec for the extensive report prepared and thanked Pride for the cooperation received throughout the process. He noted that the two main issues which came before PAB were the shredding and destruction of records that would show what was going on between Pride's operation and restitution accounts. He said that his understanding was that there were two separate accounts; the restitution account with earmarked funds solely to pay victim's restitution and the operation account for Pride's month to month expenses, but that apparently funds were

transferred between both accounts to fund shortfalls in their monthly operating. He indicated that there was a shortfall when this was discovered, but said that it has since been rectified and everything has been brought to current.

Judge Bonavita said that there is still the issue of the shredded records and reported that PAB was not clear as to how and why the records were destroyed saying it was apparent that a Pride employee made the decision to shred the records. He said what was more troubling is the fact that the manual records were more accurate than the computer generated ones that would indicated what was going on between the restitution and the operating accounts. He noted however that there was nothing in Pride's contract that would prohibit that kind of activity from taking place, but pointed out that the contract does mandated that all restitution payments received by a probation officer be sent to the victims within 14 days of receipt which was not being done. He said that at the last PAB meeting information was received that the employee who notified the CJC about the issue was terminated allegedly for misappropriation of funds. He further noted that PAB was unable to ascertain how this employee got control of the funds and was able to do the transfers, but that it was evident that there were no controls in place with regards to access to funds.

Judge Bonavita noted that the recommendations outlined in the report were reviewed by PAB but because of the many issues that came to light as well as the many unanswered questions, PAB voted to table the recommendations and refer the entire matter to the Inspector General (IG) for a more thorough review. It was also felt that there could be more than what the Board had at this time and the most cautious thing to do, would be to hold off on approving the recommendations.

Ms. Marti LaTour questioned whether the former employee thought that the shredding of records after six months was the company's policy for retaining records or was the employee instructed to do so.

Mr. Kukec remarked that the former employee was never spoken with and as such, he was unable to confirm whether or not that person was directed to shred the documents or if she was under the impression that it was the policy, but noted that the contract clearly states that the documentation must be held for three years after expiration of the contract.

Mr. Kramer inquired about the process and timing involved in reviewing of the report by the IG.

Mr. Rodriguez responded that the IG is not yet on board but will be between June 25 and 27, but pointed out that he spoke with Mr. Al Johnson, Executive Director for the Ethics Commission as well as some County Administration regarding the process involved, and was advised that there were no process in place as yet. If the CJC were to proceed with that route however, he said Mr. Johnson indicated that it should be in writing, and he would therefore prepare a letter if a decision was made to proceed. He reported also that the matter was discussed with Internal Audit department and that the advice was for the CJC to implement the recommendations as it would not hinder the IG's process.

Mr. Gerald Richman inquired about the contract expiration, which Mr. Rodriguez

indicated will expire in 2011.

Mr. Elmore questioned the reason for terminating the employee.

Ms. Maureen Brickous of Pride noted that the employee was terminated when Pride became aware that this person (former Financial Coordinator for Pride who supervised the accounting office), was taking funds from Pride's merchant account and crediting those funds into her own personal account. She said that the employee was immediately terminated and the case turned over to the Sheriff's office for investigation. She reported that the employee was arrested and that the case is now in court.

Ms. Brickous in response to Mr. Duncan's question regarding the transfer of funds from the restitution account to their operation account, said that it was an internal decision and that Pride's Chief Financial Officer stated this was not an issue, and that they only needed to be sure that the funds can be accounted for and that Pride was complying with the contract. She further stated that Pride did not sufficiently insure that the funds were disbursed within the 14 days of collection, and that they needed to have had quality assurance indicators in place with their accounting office to ensure same. She said that quality assurance indicators are now in place and that Pride is in full compliance with the contract.

Ms. Wanda Joiner of Pride added that the practice of accepting cash has been ceased.

Mr. Rodriguez commented that during the course of the investigation, the CJC became aware that there was the potential of other funds being moved from one place to another and as such, the CJC was currently looking into the issue of court fines and costs, and the transfer of those funds in between Pride and the Clerk's office. While he was unable to make further comment on this issue, Mr. Rodriguez said that he would ensure that the IG is also made aware of this.

Mr. Richman expressed concern about not doing something immediately and waiting for the IG's investigation, and instead proposed that the CJC move forward with the recommendations while the IG proceed with their investigation, and modify the recommendations if necessary at a later date.

After further discussion, members unanimously approved the implementation of the recommendations immediately, contingent upon the IG's determination. Motion was moved by Mr. Richman and seconded by Mr. Duncan.

- B. Mr. Rodriguez reported that the CJC staff recommends the creation of two new committees; an evaluation committee and a funding priorities committee both of which he said were discussed with Chair Barbara Cheives who was comfortable with both committees and their proposed members.

Mr. Rodriguez noted that the evaluation committee is expected to address some of the concerns expressed at the last CJC meeting regarding progress being made with the evaluations. It is proposed that this committee be chaired by Dr. Gordon Bazemore of Florida Atlantic University (FAU) and comprise CJC members and non members. It is anticipated that the committee will meet on a quarterly basis to ensure that the CJC follows good practice as it relates to the

evaluation of programs.

Chief Judge Peter Blanc inquired about the inclusion of CJC members with vested interest in the projects being evaluated. Mr. Rodriguez responded that Ms. Carey Haughwout would be the one exception and explained that she was included because of her concern about evaluations being done. Chief Judge Blanc remarked about the hard work done by the Finance Committee and expressed his frustration during the process as one member of the committee was able argue for particular interest, and further stated that it should instead be a level playing field. He apologized for raising the issue in Ms. Haughwout's absence but noted that if it is doable and will not become a burden on other people on the committee, it would be best to have people on the committee with no vested interest in any of the programs.

Mr. Rodriguez noted that if Ms. Haughwout being on the evaluation committee is an issue, she could be replaced by another CJC member, as it was completely up to the CJC members.

Ms. Haughwout will be notified and given the opportunity to indicate whether she feels there is a conflict of interest with her serving on the evaluation committee.

Mr. Rodriguez also spoke about the funding priorities committee which would address the concerns regarding the methods for distributing funds with regard to crime prevention and other programs. He said staff thinks it would be a good idea to establish a committee that would not infringe on the finance committee but instead, provide guidance regarding the best areas for funding. He named the proposed members and invited members to review both committee lists before the next CJC executive committee meeting.

Proposed Committee Members:

Evaluation

Gordon Bazemore, Chair
Children's Services Council designee
United Way designee
Renee Constantino, PBC Community Services
Art Johnson/School District designee
Wesley Lauer
Carey Haughwout

Fund Priorities

Gerald Richman, Chair
Flynn Bertisch
Rosalind Baker
Feirmon Johnson
Monroe Benaim
Barbara Cheives
William Kramer

Vice Chair Duncan suggested that both committees be tabled until the next executive committee meeting.

- XI. CJC Initiatives / Updates
- XII. There were no member comments.

Mr. Rodriguez advised members that this coming Wednesday would be the next budget hearing and invited interested members to attend, and noted that the budget information may be accessed on the county's website at www.pbcgov.org/OFMB. He reported that the CJC was not included in the second tier of budget cuts.

There being no further business before the Commission, the meeting was adjourned at 8:40 a.m.