

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Judy Davis

Case No.: FEC 14-303

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

Claudene L. Anthony, City Clerk
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **May 18, 2016 at 8:30 am**, *or as soon thereafter as the parties can be heard*, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 3, 2016

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

March 1, 2016

Judy Davis
341 West 22nd Street
Riviera Beach, FL 33404

RE: Case No.: FEC 14-301; 14-302; and 14-303; Respondent: Judy Davis

Dear Ms. Davis:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for May 18-19, 2016 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMT/dam
cc: City Clerk, City of Riviera Beach, Filing Officer

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Judy Davis

Case No.: FEC 14-303

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

Claudene L. Anthony, City Clerk
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **February 17, 2016 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Florida State Conference Center, 555 West Pensacola Street, Room #108, Tallahassee, Florida 32306.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 2, 2016

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



FLORIDA ELECTIONS COMMISSION
107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

November 30, 2015

Judy Davis
341 West 22nd Street
Riviera Beach, FL 33404

RE: Case No.: FEC 14-301; 14-302; and 14-303; Respondent: Judy Davis

Dear Ms. Davis:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for February 17-18, 2016 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMT/dam
cc: City Clerk, City of Riviera Beach, Filing Officer

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Judy Davis

Case No.: FEC 14-303

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

Claudene L. Anthony, City Clerk
City of Riviera Beach
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **November 17, 2015 at 8:30 AM**, or as soon thereafter as the parties can be heard, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

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If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

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If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
November 2, 2015

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FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

September 9, 2015

Judy Davis
341 West 22nd Street
Riviera Beach, FL 33404

RE: Case No.: FEC 14-301; 14-302; and 14-303; Respondent: Judy Davis

Dear Ms. Davis:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for November 17-18, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com

Sincerely,

/s/ Amy McKeever Toman
Executive Director

AMT/dam
cc: City Clerk, City of Riviera Beach, Filing Officer

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Judy Davis**

Case No.: **FEC 14-303**

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

City of Riviera Beach, City Clerk
Attn: Claudene L. Anthony
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on **August 26, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
August 11, 2015



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224

Collins Building

Tallahassee, Florida 32399-1050

(850) 922-4539

May 29, 2015

Judy Davis
341 West 22nd Street
Riviera Beach, FL 33404

RE: Case No.: FEC 14-303; Respondent: Judy Davis

Dear Ms. Davis:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for August 18-19, 2015 in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing.

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com

Sincerely,

/s/ Amy McKeever Toman

Executive Director

AMT/dam

cc: City of Riviera Beach, Complainant/Filing Officer

From The Desk of...

Judy L. Davis

341 W 22nd Street Riviera Beach, FL 33404 Phone: 561 845.0924 Fax: 561 845 0412

Email: judydec57@att.net

F A C S I M I L E

To: Donna Malphure

From: Judy L Davis

Date: May 14, 2015

Pages: Cover + 22

Please find the following regarding our recent conversation regarding Tuesday's hearing.

Thank you.

/jd

To: The Elections Commission

I submit the attached documents and my comments regarding the hearing scheduled on May 20, 2015.

I am submitted documents that I believe led to the penalizing campaign documents submitted to you by Carrie Ward, who was the City Clerk at the time in the City of Riviera Beach.

It is my belief that Ms. Ward submitted the documents to retaliate against me for her suspension that she believed I took part in.

Also, it is my belief that she did not comprehend the statute as it relates to campaigning financing. It is my understanding that it was explained to her by your office to no avail. She still refused to remove the fines that she imposed against me.

It is my hope that the Commission will correct the matter.

Thank you for your consideration.

Judy Davis

A handwritten signature in black ink, appearing to read "Judy Davis", written over a faint, illegible typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

COMMENTS FROM THE PUBLIC -7:00 PM Non-Agenda Item Speakers (Three Minute Limitation)

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Public Comments shall begin at 7:00 PM unless there is no further business of the City Council, which in that event it shall begin sooner. In addition, however if an item is being considered at 7:00 PM then comments from the public shall begin immediately after the item has been concluded.

CHAIRPERSON DAVIS: I'll remind everyone to please follow our Rules of Decorum. You know we don't want to have any name-calling or anything like that in it shall in the chambers. Okay? You'll have three minutes to speak. Miss Margaret Shepherd?

MAYOR MASTERS: You guys get some rest tonight, boys and girls.

CITY ATTORNEY RYAN: Wow

CHAIRPERSON DAVIS: Is Miss Shepherd here?

MAYOR MASTERS: I saw her outside earlier, Madam Chair.

CHAIRPERSON DAVIS: Okay. While Miss Shepherd is coming, let's go to Mr. Fane Lozman.

FANE LOZMAN: Miss Shepherd's right here, Madam Chair.

CHAIRPERSON DAVIS: You can come on up. Oh okay. There she is. You're next, Mr. Lozman, okay?

MARGARET SHEPHERD: This is --

COUNCILPERSON GUYTON: Public Comment

MARGARET SHEPHERD: --uh Public Comment. Okay. Margaret Shepherd, Riviera Beach. That was a great debate. Great debate. It's something that came across the attention of my house several times. Several calls. First giving honor to the Bishop and all of you.

MAYOR MASTERS: Thank you.

MARGARET SHEPHERD: I respect all of you in your respectable places. It's terrible that this city's moving forward, and yet there are issues coming down with our

1 7/16

employees over and over again. I thought the issue was over with our -- Miss Carrie Ward. Carrie Ward is a member of Hilltop Missionary Baptist Church. And it was deplorable that messages was sent out to our church to alert us that we're not going to tolerate the treatment of Carrie Ward. I don't know what it's all about. I really don't care what it's all about. But the one thing I want to let you know that we have members of this particular entity that really caters to the public. And yet we allow ourselves as we're moving forward, as you say that we have to do the little bitty things, and that is to dictate how we're going to deploy one of our -- our employees.

We have, you say the best city to live, work and play? How dare you? How dare you say that? It is just deplorable that you would even allow yourselves to sit here with a woman 40 years. You have people that come here and do some of the most atrocious things, but let -- yet you allow it to go. Why is Carrie being attacked? I'll tell you why Carrie is being attacked. They said to me it's something to do with the task force. Now, -- I don't care who's in the task force, the Riviera Beach force, the whatever force or who force. The one thing that I think you have to do is learn one thing. We have a right to speak. That's the constitution of the United States of America. It's one other thing I like. They say you have a right to bear arms. That's another good tactic that the constitution say. How dare you that a person come here and they can't be allowed to do what -- I don't know what it's all about.

MAYOR MASTERS: That's right.

MARGARET SHEPHERD: But I know Hilltop Missionary Baptist Church the majority of them are really devastated that our prestigious member -- and I know Reverend Davis is devastated that a -- a prestigious member is being attacked. We won't tolerate it. We won't even really go all the way with Carrie. We want you to allow her to leave with dignity. Someone said 10 days. Now someone called and said five days. Well, what is it? What is it? You need to get to the -- to the nick of the problem and you guys need to address it. When you come here to -- to be members of the board, you need to come with dignity. And with that I thank you.

CHAIRPERSON DAVIS: Thank you, Miss Shepherd. Mr. Lozman?

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: While Mr. Lozman's coming, Madam -- Miss Shepherd, I support what you said 100 percent. Shameful. It is shameful. And I support your comments. Thank you, Madam Chair.

FANE LOZMAN: Fane Lozman, Singer Island. I agree with you Mr. Mayor. Miss Ward and I have a very close relationship. She was very professional when it came time to the recall a few years ago. She's very professional when it comes to public records. She's the most outstanding public servant I have met during my time here in Riviera Beach and I'm going to say she exceeds any --

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MAYOR MASTERS: That's right

FANE LOZMAN: -- public servant I've also met in my second home in North Bay Village. And I went and I had pulled years ago from Miss Perry the 1995 code of conduct for employees. And when you review that, I think she has the right not to accept that award. It is going to compromise either the code of conduct or compromise her responsibilities as clerk. It should be a moot issue. This whole thing is ridiculous. It's making --

MAYOR MASTERS: That's right

FANE LOZMAN: -- channel 12 here is covering the -- the distinguished member of the community are coming to stand up for Miss Ward. It makes you guys look ridiculous. That city manager reports to you guys

MAYOR MASTERS: Uh-huh

FANE LOZMAN: You're her boss and you ought to say, What are you doing? Where is the justification? How does this comply with our own code of conduct for employees? We're not going to sit here and be embarrassed by you doing something dumb. I've never seen anything and neither have you in the years you've been in office suspending any employee, much less Miss Ward. The whole thing is ridiculous. You want to suspend an employee? Suspend employees that are unprofessional, that are rude and obnoxious.

When I was here at the last commission meeting, Miss Davis had a police officer illegally grab me to remove me from the podium when I was exercising my First Amendment Rights. Again, I doubt she's going to do this with channel 12 filming but we're going to talk about what's going on. Gary Nikolits, the property appraiser, sent a letter to the City. It went through Miss McKinney, saying that I need an address for my property on Singer Island. I needed to get my tax bill. I needed to get police and fire services. They refused to give me an address. When I've talked to Peter Ringle, Peter Ringle, unlike Miss Davis, is not a professional guy. She's rude and he's obnoxious.

MAYOR MASTERS: Huh

FANE LOZMAN: And I don't have to tolerate being treated in a rude and obnoxious way for any employee. I can understand great employees like Miss Ward. I can also understand employees that are rude and obnoxious. You go independently call up Gary Nikolits and say that his office said to give me an address. As a matter of fact, he said he was going to have his legal staff contact Miss Ryan saying I'm entitled to an address for that property to get my tax bill. I have not been given one and Miss McKinney, she's called me numerous times. She refuses to deal with it. Yet Miss McKinney came to my property and acted as a Code Enforcement officer with Peter Ringle. Code Enforcement comes and they deal with any mangrove issues. Why is Miss McKinney coming with Mr. Ringle when the DEP came to look at the mangroves? So Ringle and McKinney, they have issues. Those are the employees that should be suspended, not Miss Ward.

3/7/16

CHAIRPERSON DAVIS: Thank you.

MAYOR MASTERS: (Inaudible).

CHAIRPERSON DAVIS: Miss KaShamba Miller? After Miss Miller is Ron Leonard.

KaSHAMBA MILLER: Good evening everyone.

CHAIRPERSON DAVIS: Good evening.

MAYOR MASTERS: Good evening.

CHAIRPERSON DAVIS: Please state --

KaSHAMBA MILLER: My name is KaShamba Miller. I'm from 28th Street in Riviera Beach. First of all, I appreciate everything you all do on this council. I know it can be a very tough job but I do appreciate everything that you do. I want to make a comment regarding the 7-Eleven. It's been coming up several times as I've come to the meetings as well as spoken to other community members in my neighborhood. I hope that we think about what the residents want. And many of the residents that I've spoken to are not okay with the 7-Eleven coming. We do have a couple of 24-hour stores that are already there and a lot of times when they're open 24 hours it provides an atmosphere that is not conducive to any positivity.

And bringing a 7-Eleven there just adds to the convenient stores that we already have. We have several convenient stores, almost every other block we have a convenient store somewhere. Hopefully -- I know that we've had many presentations that have been done. The presentations that have been done have been beautiful. They talk about the building, the structure, everything looks very nice. But I think we would be better served if we had something that was beneficial to our community where we're able to get our residents back to work. Most 7-Elevens, they only hire three or four people and most of the times they're -- they're not the residents that live in that area.

I also have been following the news. One of our neighboring towns, they were looking to bring a fast-food chain, and they said that it wasn't -- the area was not large enough for that fast-food chain to have a drive-thru. What they decided was they were going to go ahead and do an amendment to the zoning. Now I'm -- I'm hearing that the 7-Eleven is probably the best fit for the lot. I hope that the Council really considers looking into other options to bring to that area because where there's a will there's a way. And that North Palm Beach council did try to look at other avenues of making that happen where they could have that drive-through fast-food restaurant.

Also, the redevelopment in that area, we really need something that is going to be positive. As I said before to get the residents back to work, to have something that we look forward to, that we're proud of. So hopefully we're able to take in consideration of what the residents want. And as Mrs. Shepard and Mr. Lozman just spoke about, I -- was very saddened to hear of the news about Miss Ward. Miss Ward is a stellar employee. She's very helpful with everyone that comes to her office.

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MAYOR MASTERS: That's right

KaSHAMBA MILLER: And I hope that we can further learn what are the correct policies, what procedures were in place and maybe why is it that this had to happen to her when she's about to retire in several months. Thank you.

CHAIRPERSON DAVIS: Thank you Miss Miller. Mr. Leonard?

MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: While Mr. Leonard is coming, what Miss Miller said, I just want her to know I have not spoken to two people that agree to want 7-Eleven. Not two in -- in the inner city and where I've gone. I'm with that a hundred percent. We don't want it. I don't want it. And the people have spoken to me and said the same thing based upon the traffic concern. Thank you.

RON LEONARD: Good evening to the Chairperson. Ron Leonard, 2501 Avenue H East. I have just come to say thank you for those nice cards when I was ill. I haven't been up since that time. I just want to thank you for recognizing I was ill and thank you for the nice cards you sent. It made me feel good. And I just want to -- think you guys are doing a wonderful job. My concern is tonight we have several schools in Palm -- in this area, D and F.

MAYOR MASTERS: That's right.

RON LEONARD: That is unacceptable.

MAYOR MASTERS: Unacceptable.

RON LEONARD: I have called the superintendent. He has agreed to meet with me and the Brook Educators Caucus on next Tuesday at 3:30. And I want to find -- I want him to tell me what will be his strategies in rectifying in our area D's and F's. I have never ever received a D and F in anything that I have attempted to do in graduate classes or either academic classes. At Roosevelt, those were unacceptable. We didn't get no D's and F's down there. And now why are we allowing our various schools in the -- in the elementary where there -- there's -- those are crucial times of learning. Crucial. D's and F's. As a city, we've got to get on the ball and find out what is the problem. We've got to ask the superintendent.

We've got to ask the board what is the problem. I'm going to ask him on next Tuesday at 3:30 what the issue is and how does he plan to rectify all these D's and F's. And the bad thing about D's and F's among the urban areas. It's not out in -- there's -- I don't think there's anything out in the region that has the D's and F's. But all the urban schools in this city are mostly D's and F's. And they come to just give you some -- some -- some incentives. Let's get ahead. Let's get on the bandwagon of education because those are most critical years. Elementary schools and middle schools are most critical years.

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Being a successful educator for a most 40 years, county not remain in this city and allow these things to continue to happen in our schools. We need to join forces together. Let's rally up and find out -- let's ask some very pointed questions. What is the problem? Why are the urban schools D's and F's? And secondly, I want to remind everyone on March -- on July -- or no, on August the 8th -- no, excuse me when school starts back, we're going to have the Million Man March. I'm asking every man in Riviera, Palm Beach County to take his or her child to school. Every man. We need to have men stand up, speak up and show up. I want -- the first day of school, I want every man to carry his child to school. And -- and -- and I'm just going to kind of reward them, but we need to have more men -- I'm not being sexist ladies. But we need more men involved in our educational process. When a man steps in the room with those kids, things take place. I'm asking every man in Riviera Beach to take his child to school on the first day of school. Thank you!

CHAIRPERSON DAVIS: Thank you, Mr. Leonard. Miss Norma Duncombe, then --

MAYOR MASTERS: Madam Chair, I have a question for Mr. Leonard, please

CHAIRPERSON DAVIS: Mr. Mayo?

MAYOR MASTERS: Yes. That's right. I have a question for you. Thank you, Madam Chair. Mr. Leonard, I know you had made some comments earlier and I just would like for you to remind the people. I know you are the -- you're associated with the Black Educators --

RON LEONARD: Caucus, yes. I'm President of the Black Educators Caucus.

MAYOR MASTERS: -- Caucus? And you feel, from our conversations and others, you feel very strong about the metal detectors in public schools, as well?

RON LEONARD: I tend to concur with you a little bit but I need to have more studies because those are very expensive. I do.

MAYOR MASTERS: Oka,

RON LEONARD: That's a very expensive process to use all those metal detectors -- I did some research. And I believe Sheriff I do read a lot when you tell me things. In each school, you're talking about almost \$5,000. And if we have over 185 schools in this district that's gonna -- in the -- in the high school area --

MAYOR MASTERS: So you'd look at it?

RON LEONARD: -- yeah

MAYOR MASTERS: You were gonna -- to -- to study the need?

RON LEONARD: That -- that -- I think that's going to be a good way to go because that's going to be safer. But they're going to have to look at the cost very intelligently.

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MAYOR MASTERS: Okay. Thank you.

RON LEONARD: Thank you.

MAYOR MASTERS: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Miss Duncombe After Miss Duncombe is Reverend Burrs

NORMA DUNCOMBE: Norma Duncombe. I'm here to speak to the situation with our City Clerk. First of all, let me just say that the City of Riviera Beach has some very good employees. When I come in contact with employees across the board I have gotten very good services. I'm addressing the situation with the City Clerk. And the first thing I want to say is that you, Mr. Mayor, and the City Council can reverse the suspension of Miss Ward. Legally. You can do that.

MAYOR MASTERS: I'm prepared to do it.

NORMA DUNCOMBE: Okay. Miss Ward was suspended because she refused to accept a \$2 spaghetti dinner from the Chair and a piece of paper. First of all, let me just say this. When you go to her job description there is nowhere in that job description that says that she is to accept anything from an individual. In fact she, of all employees, should never accept something from an individual. Because every time that there is a subpoena to go to court, she is the one who has to present records and what have you. But let me just tell you how it really goes back. I don't know if anybody remembers two years ago I -- whenever the last election, the City -- the City Chair, the Chair of the -- of the Council Mr. Gordon and some other people sued the City Clerk because she would not take the Mayor's name Mr. Terence Davis's name and some other people off the ballot. But let me just tell you about her. The one thing she does is she explore information and she could rattle off statutes and numbers from everywhere. So she knows her stuff. They sued her. Took her to court and the judge said. Do not take the names off. Let the people vote. Now I thought it was over. After the people voted whether you like -- you may not like the Mayor. You may not like Mr. Thomas.

COUNCILPERSON THOMAS: That would be Mr. Davis. I just wanted to -- they like Mr. Thomas.

NORMA DUNCOMBE: But you -- not -- oh okay. I'm sorry. I'm sorry.

COUNCILPERSON THOMAS: Yes -- no I'm just joking. Go ahead. Go ahead.

NORMA DUNCOMBE: See, you made me lose my time. Mr. Thomas. Mr. Davis.

COUNCILPERSON THOMAS: Mr. -- Mr. -- Mr. Davis will give you some --

NORMA DUNCOMBE: But he, had been voted in. But guess what happened after that vote taken?

MAYOR MASTERS: All right

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NORMA DUNCOMBE: I walk in here one night and Mr. Guyton is saying, People who don't have the right to vote should not be sitting up here. What is this?

MAYOR MASTERS: Huh

NORMA DUNCOMBE: How do you -- how do you -- how do you come in and decide you are going to destroy people like that? Now, I am saying it's not because she didn't -- yeah, well, she did not do anything against her job description. And you all have the right to change that tonight. The city manager doesn't have a clue. And I feel -- I feel for her. I feel sorry for her.

CHAIRPERSON DAVIS: All right. Thank you, Miss Duncombe.

NORMA DUNCOMBE: But you all need to make sure that this does not go any farther. There is a lot of things you have to do in this city.

CHAIRPERSON DAVIS: Okay. Miss Duncombe, you need to wrap up, please.

NORMA DUNCOMBE: We have a lot of things that we need to address.

CHAIRPERSON DAVIS: All right. Thank you very much, ma'am. Reverend Burrs?

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Yes?

NORMA DUNCOMBE: And -- and I don't need to be corrected.

COUNCILPERSON GUYTON: Well, you're about to be corrected.

CHAIRPERSON DAVIS: Mr. -- Miss -- come on. Come on, sit down, Miss Duncombe. You have had --

COUNCILPERSON GUYTON: Well, one --

NORMA DUNCOMBE: When you decided that there are code of conduct (inaudible) --

CHAIRPERSON DAVIS: -- you -- you -- you say. You need to have a seat, please.

NORMA DUNCOMBE: -- code of conduct it goes for you, too.

COUNCILPERSON GUYTON: Yeah. Exactly.

CHAIRPERSON DAVIS: But he's had -- he has a right to say whatever he wants, also. Okay?

COUNCILPERSON GUYTON: I sat quietly while you talked.

CHAIRPERSON DAVIS: So --

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COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: -- there is no problem with that. Mr. Guyton?

COUNCILPERSON GUYTON: Yes. I sat very quietly. Didn't interrupt her. Let her say what she was saying. Most of it was inaccurate and I expect to get the same respect. When I get ready to say something Oh, you can't talk. You can't refute me. What is that? If I have enough compassion for people to allow them to say what -- whatever they want to say, even when it's not accurate I think that I should be entitled, too. Very quickly, I never came in here and told somebody that they couldn't vote. If they voted, they could -- that's absolutely ridiculous. She couldn't refer to any document, any session, any nothing. When people come to that mike just because they say it doesn't mean that it's so. That was a flat-out lie. And I challenge her to prove it. Go pull the tape. Bring it back and let everybody see it. And I will guarantee you she cannot do it. Another thing that was said that was inaccurate was that Miss Davis sued someone.

CHAIRPERSON DAVIS: I was going to correct that. That's all right.

COUNCILPERSON GUYTON: Oh, you're going to correct it. Okay, I'll let you handle that. That is not true. Miss Duncombe is probably one of the people that most of the things come out of her mouth at that mike is not true. And I'll just leave it at that. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay. And I'll -- I'll just add my comments. I would challenge Miss Duncombe to provide any document that has my name on it where I sued the City at any time and place -- time or place, if never happened. Okay? I just want to clear that up to everybody. Because people come up with a lot of misinformation and it goes out into the community and it simply is not true. There is no document that you will find anywhere in the City Clerk's Office or in the -- the City Attorney's Office, anywhere in this city where Judy Davis filed a lawsuit against the City. Okay? Mr. Griffin -- Reverend Griffin Davis and then Mr. Earl Davis. Oh, I'm sorry Mr. Burrs and then Reverend Davis.

REVEREND BURRS: Madam Chair, Council, Mayor. Let me make a suggestion first that, hopefully, that have you considered getting some head mikes because when people's home when you're turning your head from your mikes, they don't hear you. And if you get some head mikes they might could hear you when you turn your head from your mike. It -- you're unconsciously -- when you're speaking and you turn away. Just something to consider or think about if you could do that.

Concerning the city clerk, this is a ridiculous suspension. There's some people and y'all know that there's another department head with an employee, cursed at an employee and -- and then she was awarded at suspended. So how can it be the city manager suspending our city clerk? Because she didn't have a piece of paper and Miss Duncombe is correct and maybe that might be denied that she didn't take a piece of paper and accept a -- a spaghetti supper. The city clerk is a constitutional employee. And if y'all know your -- know your charter, she shouldn't be taking gifts from nobody sitting there or no

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individual as an elected person. Y'all know that. So then to sue her because of a personal vendetta against our city clerk, because she would not jump through the hoops of some of the council person who's sitting up there -- she tells the truth. And if you remember when you was talking about the election, you did never ask for her advice on the election because she was going to tell you the truth, and you don't want to know the truth. So now y'all answer the questions what you want to answer from people who you want to answer from. Let me ask this question. Does the city manager has the right to hire a department head without the consent of the council? Can anybody answer that question for me?

COUNCILPERSON THOMAS: Yes

REVEREND BURRS: She cannot. Check your charter. Ask your city attorney if you -- if the city manager decides that she want to hire a department head, the city council can reject that appointment. That's in the charter. So y'all is not upholding the charter. It's in the charter. She have to be approved by the -- a department head appointed by the city manager have to be approved -- be approved by the city council. That's in your charter. Now if y'all -- if y'all know this is wrong, then what y'all can do as someone just suggested, clarify it by compensating her for the time that she has been suspended. Because this is not going to go away, it's going to linger for a long time. Not a threat. It's just a promise. So y'all supposed to uphold the charter, check your charter. If -- if y'all could reject her appointments, then you could reject her suspensions. You have the authority. So don't sit here and make this -- tell the -- tell the citizen that that's the city manager's discretion and we can't do nothing about it. That's the biggest story that's ever been told.

Now concerning the -- I think Mr. Davis can answer the question whether he was -- was he sued by another council when he was running for election. You ought to respond to that yourself. You were sued and the City was, too.

CHAIRPERSON DAVIS: Reverend -- Reverend Davis?

REVEREND BURRS: When you ran for election.

CHAIRPERSON DAVIS: Thank you, sir. Reverend Davis?

REVEREND BURRS: Is another.

CHAIRPERSON DAVIS: What Reverend Davis is Earl -- Earl Davis is next.

REVEREND DAVIS: Hey, you don't start firing. I ain't got ready yet. Hold up. I haven't started yet.

CHAIRPERSON DAVIS: Back it up, please.

MAYOR MASTER: (Inaudible) they don't have you to talk.

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CHAIRPERSON DAVIS: And that's not true, Mayor Masters. Everybody has -- has a right to speak --

REVEREND DAVIS: (Inaudible) I'm Reverend Davis --

CHAIRPERSON DAVIS: -- and, you know, I have no problem --

REVEREND DAVIS: -- the pastor of Hilltop Baptist Church.

CHAIRPERSON DAVIS: -- with wanting him to speak.

MAYOR MASTERS: (Inaudible) a lot of people that don't want to hear him talk.

REVEREND DAVIS: Hoy, y'all let me talk now. Y'all --

MAYOR MASTERS: You don't have (Inaudible).

CHAIRPERSON DAVIS: Okay?

REVEREND DAVIS: -- y'all --

MAYOR MASTERS: I can say whatever I want to say.

CHAIRPERSON DAVIS: I -- I can say what I want to say, too

REVEREND DAVIS: -- y'all are going in my time.

CHAIRPERSON DAVIS: Okay? I'm saying to you that I have no problem with Reverend Davis --

MAYOR MASTERS: My (Inaudible). Some people don't want to hear what he has to say.

CHAIRPERSON DAVIS: -- speaking

REVEREND DAVIS: -- all just start the time back over, cause y'all --

CHAIRPERSON DAVIS: Alright

REVEREND DAVIS: -- y'all start the time back over, y'all --

MAYOR MASTERS: It is true.

CHAIRPERSON DAVIS: Go ahead.

MAYOR MASTERS: Hoy, Davis, Councilman Davis, Chair

CHAIRPERSON DAVIS: I'll add some -- some -- some seconds on to --

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REVEREND DAVIS: All right. Okay.

CHAIRPERSON DAVIS: -- sir, go ahead.

REVEREND DAVIS: Honorable Mayor and City Council, Manager and other officials. I come to say that you have hurt City Clerk Carrie Ward. You have hurt me and other ministers and citizens of this city. We came to you act a month ago and we pleaded to you not to suspend Carrie Ward but y'all have suspended her. You should have given her a parade throughout the City for the 40 years she has been here and the good work she has done. Some of the City employees are afraid to speak out against injustice for the fear of being fired. I could understand that. About half of the houses or more in the City of Riviera have liens on them. There are more than 600 liens issued every year for the last three years. These liens can compound over one million dollars in 20 years. Some of the citizens don't know -- even know that they have liens on their homes. One of the City employees said that the City cannot take their homes which is not true. If these homeowners die and the lien is not paid on their property, it will go back to the City. This should not be. All the liens are people and their property because they have a little hole in the driveway or the front yard need a little -- front of the house need a little paint or the grass need a little water. They're charging the water so high until the people cannot afford to drink it. How can they afford to water the grass? We are in a recession. Over 463 people home in this city are being foreclosed. They are losing their homes, their jobs. How can you put liens on people home when they can't afford their mortgage -- pay their mortgage? The people voted to help -- for you to help them, not to kill them. You don't own this city. This city is owned by the people for the people and of the people. This is not a Communist government. This is a democracy form of government. Freedom of speech, freedom of the press, freedom of assembly, freedom of religion, equal rights, equal opportunity, equal housing.

A few years ago we had some developers to come here to spend about a billion dollars to redevelop this city. They were buying homes and lots. They were discouraged by some of the leaders and they moved to West Palm Beach. Now West Palm Beach is receiving the benefits of -- of their pride. I'm asking all pastors, ministers, members, lawyers, doctors, principals, teachers. I'm asking all people on the west side, all the people on the east side, all the peoples on Singer's Island to vote March 2015 for a new person someone that will represent you of the people. Thank you very much.

CHAIRPERSON DAVIS: Thank you, Reverend Evans

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Ah -- Ah sir, Reverend Evans?

COUNCILPERSON DAVIS: Before --

CHAIRPERSON DAVIS: Reverend Davis?

COUNCILPERSON DAVIS: -- Madam Chair, before Mr. Davis come up?

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MAYOR MASTERS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis and then Mayor.

COUNCILPERSON DAVIS: Thank you.

MAYOR MASTERS: Thank you.

COUNCILPERSON DAVIS: I don't usually interfere when there's public comments. This one, I don't usually interfere when public has to speak. I like to let you say what you have to say and wait till Council Comments. But this is the issue of really heavy magnitude. I'm going to tell you a real brief story. I wanted to give Miss Ward a Christmas gift for Christmas but Miss Ward told me, I respectfully have to decline because of my position. And I didn't understand it. Then she explained to me the law about the same thing she did in this particular meeting. And then that was an educational moment for me.

Two, the City Manager has the right to deal with issues on her own when it come to personnel. But what makes me speak on this issue, because an e-mail went out stating that the Chair and I had a conversation and felt that this was disrespectful the way Miss Ward treated the Chair. But I recall in that meeting Miss Ward looked over and said, I respectfully have to decline from receiving this gift, and then she quoted the statute. At that very time I would like to know when the meeting happened and in so why wasn't the entire board inclusive in that meeting, because if one person's going to speak and have involvement with suspending somebody as a board, the whole board need to be there for that discussion. And that's the question I have for the Chair. In that meeting when you and the City Manager had y'all discussion, what was said? Because at that time she can do what she want to do. That's her job. She has personnel alone. But when she include you in that conversation, she should include all of us. Everybody on this governing board. And I would like to know what was said in that meeting.

CHAIRPERSON DAVIS: Okay Mr. Davis?

EARL DAVIS: Earl Davis, Riviera Beach.

MAYOR MASTERS: Madam, I wanted --

CHAIRPERSON DAVIS: Oh, you --

EARL DAVIS: Everybody know my address anyway, I don't -- I'm not going to give it to you. Anyway, I just want to say a few words because -- on behalf of Miss Ward because Miss Ward and I have been friends for -- I don't even try to name the years. But the thing about it is, I got a call the night that she was suspended. I didn't know nothing about it because I stopped coming to council meeting cause I get tired of the argument and the going backwards and forward. Cause I've been around in this city now for 47 years and, you know, I just got tired of coming to council meeting. But my thing is that I don't know from the information I got, Carrie Ward shouldn't have never been suspended.

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MAYOR MASTERS: That's right.

EARL DAVIS: If you're going to suspend someone, you guys -- and I know I called and left the council members message -- I've been calling Miss Jones for the last month and a half. Leaving messages. Says she can't -- she can't say she didn't get them because I got in my car and came to her office and made sure the secretaries give her the message that Mr. Davis would like to talk to her and other members of the South side. And she -- up until now, about a month and a half or two month she ain't returned one call. Thanks to Mr. -- Deputy Manager Danny Jones, he took it upon hisself and called and I chat with him, but I didn't tell him what I wanted with Miss Jones. I kind of beat around the bush.

But you know, you guys, if you got the power or got the authority you need to lift this suspension. I don't think it's fair. It wasn't never fair. If you're going to suspend somebody, why don't you suspend -- suspend Miss Jones? I mean, we are citizens and we are important citizens in this town. You know I think I carry some pretty good weight in this town, you know, and I mean, she's not above the citizens in Riviera Beach. You know? And I mean, I think you guys should think about it, talk about it and you should lift it. And whatever money that she didn't get paid, you should give it back to her. That's just the way I feel about it, you know? And I mean, I'm not scared to say anything. You know, I'm going to say what I have to say regardless and I don't care what happens. You know, but you should lift this suspension for Miss Ward, please. Thank you.

CHAIRPERSON DAVIS: Okay. Thank you sir. All right, that's the end of Public --

MAYOR MASTERS: Leader's Chair?

CHAIRPERSON DAVIS: Mayor/Masters?

MAYOR MASTERS: Good. I -- I agree with Pastor Davis 100 percent and with Mr. Davis. Pastor Davis and Mr. Davis 100 percent. What I said earlier I'm going to repeat it because the Scripture is clear. Pastor Davis, there's some people don't want to hear what you have to say. Some people don't agree what you have to say. And according to John 1:11, don't be discouraged cause the Scripture says Jesus came and took his own and his own received him not. So they didn't receive Jesus, they're not going to receive you or me. I feel like I've been treated like a dog up here. I know I have. And the people know it. I think Gertie -- Gertie Ward's been treated like a dog. And I'm very upset about it.

There's only two people that have the right to suspend. It's the city manager who's not here tonight and it's the mayor. Under different circumstances, the mayor can suspend for misconduct and neglect of duty as told to me by the -- our legal source. The city manager has authority, a -- a little bit more authority. She can suspend on those grounds as well as insubordination. There is no insubordination here. There isn't any. The only thing I heard was an embarrassment. Embarrassment is not insubordination. And it's not misconduct. If it was insubordination it wasn't to the manager. It was to

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whoever. No one said -- I haven't heard anyone say they were embarrassed. So I support Miss Ward being reinstated. I'm told I don't have the authority. If I did I would do it. And I don't know whether Council has or has not. I was told they didn't have it. But one thing they do have they can pick up the phone at any given day or night and tell the city manager how their constituents feel about this suspension. I think it's -- it's just wrong. Now, I was on the verge of suspending an employee. I had the courtesy to go to the city manager. I didn't have to do that. I went to the city manager out of courtesy and respect to run it by her and to get her opinion. And she advised me rightfully said, 'Well Mr. Mayor, these -- this is what you need to do.'

I feel like there's only two people in this city that has that right to suspend. I think it would have been just as courteous as the manager could have easily said to me, Mr. Mayor, this is a department head. I'm not saying call me on every suspension 'cause that would be every day or every week. But a department head that's almost 40 years, impeccable record, no warnings at all, nothing in -- and as I speak, as of yesterday, there was not anything about this suspension in the file. I asked the HR personnel director and she said, it's supposed to be there and hopefully within 30 days then she's going to ask the questions. I don't like it. I disagree with it. And I hope and I pray that some -- something happens here. I don't know what could happen.

Now, let me just tell you how weak it is. First I read 10 days. Now it's five days. So that shows you right there there was a problem. Okay? Five days. A whole week without pay. I don't like it. I disagree with it. I think it's not fair. And it's not just. Thank you, Councilperson Davis. And standing up and speaking out.

COUNCILPERSON DAVIS: Mayor, Chair, can I ask legal a question?

CHAIRPERSON DAVIS: Sure.

COUNCILPERSON DAVIS: Miss -- Attorney Ryan, is it illegal for us to lift the suspension with a motion?

CITY ATTORNEY RYAN: Madam Chair?

CHAIRPERSON DAVIS: Miss Ryan.

CITY ATTORNEY RYAN: We have not researched that issue so I'm not going to answer it off the cuff.

COUNCILPERSON DAVIS: Well, at this time, since I have -- since I haven't been directed it's not Page. I'm going to make a motion that we lift the City Clerk's suspension immediately and be reimbursed for the time that she's missed.

MAYOR BOST TEACH: Yes, Absolutely.

COUNCILPERSON DAVIS: I have a general motion.

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Davis, Judy L.

From: Jones, Ruth
Sent: Wednesday, May 21, 2014 7:22 PM
To: Ward, Carrie E
Cc: City Council Group; Perry, Doretha; Ryan, Pamaia Hanna
Subject: Inappropriate Conduct at City Council Meeting

Ms. Ward,

Please be advised that your conduct during awards and presentations was inappropriate, unprofessional and embarrassing to all and to Chair Davis. You have known for several days that the Clerk's Office was being shown appreciation by Chair Davis. If there was an issue in receiving the recognition you should have spoken up several days ago not when the item is called. This recognition was for the office not just you. If you did not want to go down to the position your deputy could have. This is not the first time this kind of behavior has been exhibited. Please be advised disciplinary actions will be imposed of a ten day suspension without pay. You will receive official as to when the suspension will commence. You cannot continue to believe in the future in a public meeting. Please be advised that any comments you wish to make in a meeting must be cleared in advance.

*Ruth C. Jones
City Manager
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
(561) 845-4010 phone
(561) 849-3353
rjones@rivierabch.com*

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561-845-0412

Judy's Cupboard, Inc

May 14 15:05:02

COUNCILPERSON THOMAS: You probably would have if you'd allowed us to ask some -- some other questions. The rest of the council didn't get a chance to ask any questions.

COUNCILPERSON DAVIS: Well, I can -- I can rescind my motion and let you ask your questions.

COUNCILPERSON THOMAS: Okay.

✱ CHAIRPERSON DAVIS: I have a comment that I'd like to make. First I'd like to say that I also want to correct something else. Resident -- Mrs. Duncombe said and also Reverend burrs. I think you said something about Miss Ward refused to come up and accept a piece of paper. There was no paper or award or anything being given at this alluded-to meeting. It was simply a presentation to highlighted the department as I have done with Fire Rescue, Police, Park Works, Finance, IT and Purchasing and some others. So there was nothing being given at that time. So I want to put that out there. That's a correction. That's another piece of misinformation out there. Secondly, there was never -- I'm saying that in all caps, never a meeting that involved me, Miss Ward and the city manager. I don't know where that comes from. But this is what happens in this community. Somebody put something out there and it just grows and grows and grows. That never happened.

And I'm -- I'm -- I'm also going to say it's always kind of disheartening when one is accused unjustly. I'm no exception to that. Miss Jones is the city manager of this city and she deals with employee terminations, suspensions and denial of grievances on a weekly, if not daily, basis. She dealt with this instance just as she has the others in her capacity as the city manager in charge of over 400 or so employees. Whether they be sworn employees, constitutional employees or not. She does this without any direction from me at all. I can continually state over and over that I had absolutely nothing to do with this most recent suspension. And in fact, did not know anything about it until I heard it in the streets.

For some, when consequences occur due to an individual's actions, it's sometimes easier to blame someone else than to accept responsibility for their own actions. For persons not in any way interested in hearing the truth that I, Lowell Davis, had nothing to do with the e-mail that was sent out, so, the initial suspension of the clerk, it really does not matter what I tell you. You're going to believe what ever you want to believe. But God knows and I know and that's really all that matters to me. So though I could say a lot more in my defense, I will not. This is a personnel issue and I'm going to leave it at that.

COUNCILPERSON THOMAS: Madam Chair?

COUNCILPERSON GLENNON: Madam --

CHAIRPERSON DAVIS: Mr. Thomas?

16 of 16

CHAIRPERSON DAVIS: Okay. We're now at item number 6.

MINUTES

- 1. MINUTES OF THE CITY COUNCIL WORKSHOP HELD, APRIL 14, 2014.
- 2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, APRIL 16, 2014.

RESOLUTIONS

- 1. RESOLUTION NO. 43-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE MAYOR'S EXECUTION AND THE SUBMISSION OF THE AGREEMENT AND GRANT APPLICATION WHICH IS ESTIMATED IN THE AMOUNT OF \$46,329.70 TO PARTICIPATE IN THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE PROGRAM COMMENCING JUNE 9 UNTIL AUGUST 15, 2014 AND AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO SET UP A BUDGET IN THE AMOUNT OF \$46,329.70 IN THE SUMMER FOOD GRANT FUND (137) APPROVAL FOR STAFF TO PIGGYBACK OFF OF PALM BEACH COUNTY'S VENDOR TO SUPPLY MEALS FOR THE SUMMER FOOD SERVICE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.
- 2. RESOLUTION NO. 44-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR \$75,000 WITH A GRANT MATCH OF \$75,000 FOR A TOTAL OF \$150,000 FOR F.I.N.D PHASE (PART B DESIGN, ENGINEERING AND PERMITTING FOR THE PUBLIC MARINA IMPROVEMENT PROJECT AT THE MUNICIPAL MARINA AND UPON NOTIFICATION OF AWARD, ACCEPT THE GRANT AND AUTHORIZE THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO ESTABLISH THE BUDGET; AND PROVIDING AN EFFECTIVE DATE.
- 3. RESOLUTION NO. 45-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE TRANSFER OF \$395,504 FROM GENERAL FUND CONTINGENCY TO VARIOUS DEPARTMENTAL ACCOUNTS FOR PURPOSES DESCRIBED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

- 4. PRESENTATION FROM THE OFFICE OF CHAIRMAN JUDY L. DAVIS TO THE CITY OF RIVIERA BEACH DEPARTMENTS: CITY CLERK, FINANCE, LIBRARY, AND PURCHASING IN RECOGNITION OF THEIR GOOD WORK.



175

CHAIRPERSON DAVIS: It's a presentation from the chair to -- in recognition of City departments. Good evening everybody. This is a continuation of recognizing our City departments to let the general public know what they do and how important their jobs are to our community. The first up is the City Clerk's Office. Madam Clerk, can you join me for --

CITY CLERK WARD: Thank you -- thank you, Mrs. Davis, but due to me being a city constitutional officer --

CHAIRPERSON DAVIS: Uh-huh.

CITY CLERK WARD: -- for -- for the City it is -- it deems unethical for me or my staff to accept any type of presentations of any type from any one councilperson.

CHAIRPERSON DAVIS: Okay. All right. Well, I'll just go ahead and go through this myself. The Office of the City Clerk is a statutory custodian --

CITY CLERK WARD: That's a national --

CHAIRPERSON DAVIS: -- entrusted with diverse duties wherein many are performed directly by the City Clerk and others by her staff. The City Clerk serves as clerk to the Mayor and Council and to the municipal corporation with the authority to execute and emboss documents with the City seal -- City's seal -- to make them official documents. Some of the duties that are involved in the City Clerk's office is that they prepare all of our City Council meetings, their agendas, special workshops and joint meetings of the City Council. Also, they record and transcribe the official minutes of the proceedings and serve as the official depository to coordinate and maintain agreements, contracts, leases, city of titles, deeds, municipal bonds, annexations and minutes of City Council meetings, advisory boards and municipal laws adopted by the City Council.

They also execute all resolutions, ordinances, City Council minutes and bonds issued or adopted by the City Council. They attest to agreements, contracts, leases and other legal instruments in which the City is a party and assumes liability. The City Clerk also administers the personnel office to personnel required by state statute and city ordinance. They provide public information services, and coordinate and supervises municipal elections, so they coordinate what in our city.

Next is our city library. Is that okay? Thank you. The Riviera Beach Public Library -- Ms. Coco is first of all our city librarian. I'm sure most of you know about that. The Riviera Beach Public Library is on the go with cutting edge technology designed to keep readers, listeners and viewers engaged. Ebooks, an inter-library loan program, Internet connectivity and a Bookmobile program are just a few of the vital services that make up blend -- make up a blend of new and traditional technologies providing library patrons with the best of everything. And what do I do, Deborah? Okay. And here are the stars of our show. Okay. Okay. And some of the patrons who are visiting our library. Okay.

Did you know that our library contains 72,000 materials ranging from books, DVDs,

periodicals, audio books, VHS -- and VHS tapes. The archives consist of photographs and news clippings about Riviera Beach; bound issues of former Riviera Beach newspapers, The Sun and The Gulfstream News. There are 6,459 new items that have been added in the last five years. And our Cybermobile contains 750 books and six computers for patron use. The Cybermobile makes four stops around the city for three hours each at each stop. So when you see the Cybermobile, you know, please visit them. You know, they're there for you. Thank you very much, Ms. Cobb.

LIBRARY DIRECTOR COBB: Thank you.

CHAIRPERSON DAVIS: I really appreciate your services.

LIBRARY DIRECTOR COBB: May I introduce my staff?

CHAIRPERSON DAVIS: Yes please. Go ahead.

LIBRARY DIRECTOR COBB: Yes. This evening we are just so excited and happy that the City has decided to acknowledge all the hard work we do. We arrange for the staff who don't normally get to come out very often, to come and to receive this recognition. So, I'd like to acknowledge them if they would please stand. Very good. Very good. We have a couple of part-time people that are running the show right now so that's where we are. Thank you very much.

CHAIRPERSON DAVIS: Thank you very much for your --

LIBRARY DIRECTOR COBB: Thank you. Okay.

CHAIRPERSON DAVIS: -- service. Next up is our Finance Department. Here's Karen? Karen is our --

ASSISTANT DIRECTOR OF FINANCE HOSKINS: Assistant

CHAIRPERSON DAVIS: Assistant Director of Finance. The -- the Department of Finance and Administrative Services encompasses not only the finance department but also Human Resources, Information Technology, Purchasing and the Public Library. The Finance Department is comprised of three service divisions: financial services, which oversees payroll, accounts payable, grants, accounting, budget and financial reporting, including the City's annual comprehensive annual Financial Report.

The Treasury Service staff handles all revenue collections, investment of idle city funds and debt administration. The Customer Service section exclusively bills for utility service -- services and handles all customer service matters. And also did you know in an average year, the Finance Department issues 170,000 invoices for service? They collect 190,000 payments and they issue 10,000 payroll checks and disburse nearly 10,000 accounts payable checks. That's a lot.

I want you to tell about your major accomplishments over this last year.

ASSISTANT DIRECTOR OF FINANCE HOSKINS: A couple of our major accomplishments are the opening of the customer service call center, reduction of billing errors and associated customer complaints. Yay. Accepted some credit cards; adoption of new updated utility policy; adoption of the investment and debt management policies, publication of a debt capacity report; updated the cost allocation report; published the fiscal year '12 and '13 comprehensive annual financial report, on schedule. Yay. Develop and presented framework for a five-year capital plan and complied with Florida statutes by submitting the CAFR to the auditor general within the nine months of the prior fiscal year and presented financial status reports to the City Council on a quarterly basis.

CHAIRPERSON DAVIS: Okay. Thank you very much and are any of your staff here?

ASSISTANT DIRECTOR OF FINANCE HOSKINS: No.

CHAIRPERSON DAVIS: Okay. But thank you to our Finance Department. Last -- we're almost done -- is Purchasing, Mr. Guy.

PURCHASING DIRECTOR GUY: Yep.

CHAIRPERSON DAVIS: Mr. Guy is -- what your title is.

PURCHASING DIRECTOR GUY: Hello. I'm Ben Guy, Director of Purchasing and Information Services.

CHAIRPERSON DAVIS: Okay. They have a staff of four employees in the Purchasing Department. Two senior procurement specialists who are Pam Daley (phonetic) and Geraldine Williams (phonetic), and one purchasing assistant that is vacant and one mail courier, Charra Edwards (phonetic).

Purchasing acquires materials, supplies, services and equipment for all City departments. They also set and administer the purchasing policies and practices for the City. They ensure that purchases of goods and -- goods and services are made in accordance with city ordinances and state laws that are open, fair and competitive. They assist user departments in every step of the procurement process, especially in providing pricing, product and supplier information. They evaluate market conditions and City buying practices to secure economies of scale and greater purchasing leverages -- leveraging. But you go ahead and talk about this last page here.

PURCHASING DIRECTOR GUY: Yeah. I'll just talk about a few of the department -- division accomplishments for purchasing this year. As you may recall, we had the first sale of surplus properties in the City this year. That went very well. We sold 40 properties and we proceed over \$425,000 in that process. Also we developed a new training venue for the acquisition module for our fleet management system and we also developed a new module for staff for the Purchasing Department.

CHAIRPERSON DAVIS: Thank you very much, Ben, and if any of your staff is here, you want to recognize from?

PURCHASING DIRECTOR GUY: No. There's --

CHAIRPERSON DAVIS: Okay.

PURCHASING DIRECTOR GUY: -- just me tonight

CHAIRPERSON DAVIS: Okay. And here's the IT Department of which you also are --

PURCHASING DIRECTOR GUY: Yep.

CHAIRPERSON DAVIS: -- part of who has six employees: two system administrators, an IT specialist/webmaster, three information service specialists and basically, they just keep all of those things that you see listed there in -- in working order. So thank you very much for all that you do for the City and its residents. Thank you all very much.

PURCHASING DIRECTOR GUY: Thank you. Yeah.

CHAIRPERSON DAVIS: Also last -- thank you Ben. I will be providing lunch for all of these employees on Friday downstairs in front of the City Clerk's Office. So please stop by and have lunch. It will be a spaghetti lunch this time so stop by and -- and grab some lunch. Okay? Thank you all. Excuse me. All right. We're now down to number 7.

5. PROCLAMATION FROM THE OFFICE OF MAYOR THOMAS A. MASTERS IN RECOGNITION OF MUNICIPAL CITY CLERKS WEEK, MAY 4 - 10, 2014.

CHAIRPERSON DAVIS: That is a proclamation from the office of Mayor Thomas Masters in recognition of Municipal City Clerks Week.

CHIEF OF STAFF ISAACS: Good evening. Debbie Isaacs, Chief of Staff for Mayor Thomas Masters. As was announced last week, the Mayor is not here. Most likely he is boarding a plane as we speak to Istanbul, Turkey, where he will address that country's largest business association, TUSKON, regarding investment opportunities here. Now, Mayor Masters is the only elected official from Palm Beach County to have been invited to -- to be part of a small delegation of judges, commissioners, state legislators, and mayors to participate in the second International Davraz Congress in Turkey, and his participation in his life was to vigorously promote the beautiful City of Riviera Beach and its redevelopment interests. The Mayor took members of the Turki - Turki American Federation Southeast on a tour of the City last week to see several projects, the Housing Authority, the Ocean Mall and the Marina, after which the guests were very impressed -- as I understand. So he's very excited.

However, we would not dare leave this city tonight without acknowledging and giving very deep appreciation to our City Clerk and her staff for national accolades that she has earned for the service that she has provided to the City of Riviera Beach. So with that said, in honor of our place, Municipal City Clerks' Game Ward, I give you this presentation from Mayor Thomas Masters.

575

Davis, Judy L.

From: Jones, Ruth
Sent: Wednesday, May 21, 2014 7:22 PM
To: Ward, Carrie E
Cc: City Council Group; Perry, Doretha; Ryan, Pamala Hanna
Subject: Inappropriate Conduct at City Council Meeting

Ms. Ward,

Please be advised that your conduct during awards and presentations was inappropriate, unprofessional and disrespectful to our staff and Clerk Davis. You have known for several days that the Clerk's Office was being shown appreciation by Clerk Davis. If there was an issue in receiving this recognition, you should have spoken up several days ago not when the item is called. This recognition was for the effort not just you. If you did not want to go down to the podium your deputy could have. This is not the first time this kind of behavior has been exhibited. Please be advised disciplinary action will be imposed with a one-day suspension without pay. You will receive official as to when the suspension will commence. You expect continue to behave in this manner in any public meeting. Please be advised that any comments you wish to make in a meeting must be cleared in advance.

Ruth C. Jones
City Manager
City of Riviera Beach
600 W. Blue Heron Blvd.
Riviera Beach, FL 33404
(561) 845-4019 phone
(561) 840-3353
rjones@rivierabch.com

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Judy Davis

Case No.: FEC 14-303

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

City of Riviera Beach Clerk
Attn: Carrie E. Ward
600 West Blue Heron Blvd
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on **May 20, 2015, at 8:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
May 5, 2015

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if ~~the Respondent committed the violation(s) alleged.~~

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-1050
(850) 922-4539

March 6, 2015

Judy Davis
341 West 22nd Street
Riviera Beach, FL 33404

RE: Case No.: FEC 14-303; Respondent: Judy Davis

Dear Ms. Davis:

The Florida Elections Commission at its last regularly scheduled meeting was unable to hear this case. Therefore, this case has been rescheduled for its next meeting, which is scheduled for May 20-21, 2015, in Tallahassee. A notice of hearing will be mailed approximately 14 days before the hearing

If you have any questions, please contact us at the number listed above or at fec@myfloridalegal.com.

Sincerely,

/s/Amy McKeever Toman
Executive Director

AMT/dam

cc: Carrie E. Ward, Clerk, City of Riviera Beach, Filing Officer

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Judy Davis**

Case No.: **FEC 14-303**

TO: Judy Davis
341 W. 22nd Street
Riviera Beach, FL 33404

City of Riviera Beach Clerk
Attn: Carrie E. Ward
600 West Blue Heron Blvd.
Riviera Beach, FL 33404

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2015, at 1:00 pm, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause

This hearing will be conducted pursuant to Section 106 25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 9, 2015

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

**FLORIDA ELECTIONS COMMISSION
CASE REPORT**

Case Number: FEC-14-303

NAME: **JUDY DAVIS**

DATE APPEAL RECEIVED: 9/12/14

DATE HEARING REQUEST RECEIVED: N/A

DATE REPORT DUE: 8/22/14 (2014 P7)

DATE OF DELIVERY: 8/22/14

DATE FILING OFFICER RECEIVED REPORT: 8/22/14

NUMBER OF DAYS LATE: 0

AMOUNT OF FINE: \$150.00

FINE BASED ON: (..) NUMBER OF DAYS (..) 25% OF RECEIPTS (..) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 8/25/14

SUMMARY: Judy Davis is a candidate for Riviera Beach City Council, District 2 in the 2015 elections. Judy Davis is her own treasurer.

Judy Davis is appealing the fine claiming that under Florida Statutes an automatic fine should not be assessed against her because she had no contributions or expenditures for the relevant coverage period. According to Councilwoman Davis, she did not receive a calendar of reporting dates from Ms. Ward, the city clerk. She states that in the absence of any clear direction, she elected to follow the state reporting schedule for the August 26th primary and November 4th general election.

- The 2014 P5 Report covers the period from 8/9/14-8/21/14; it was due on 8/22/14.
- The filing history provided by the city clerk reflects that this report was filed on 8/22/14. There is a notation stating that the 2014 P7 report was received by fax at 17:42 (*5:42pm) on that date.
- Ms. Davis reported receiving 0 contributions, while making 0 expenditures.
- The local supervisor of elections provided an invoice showing amounts owed for the late filed report. It is unclear how the \$150.00 fine was assessed.

**I conducted a phone interview with Ms Davis on 1/9/15 and she did not have any other documents to add to her appeal.

PRIOR CASES: None.

CANDIDATE <input checked="" type="checkbox"/>	STATE <input type="checkbox"/>
PC <input type="checkbox"/>	DISTRICT <input type="checkbox"/>
CCE <input type="checkbox"/>	COUNTY <input type="checkbox"/>
POLITICAL PARTY <input type="checkbox"/>	CITY <input checked="" type="checkbox"/>

September 9, 2014

RECEIVED

Florida Elections Commission
107 W. Gaines St.
Suite 224
Tallahassee, FL 32399-1050
RE: Appeal of Automatic Fines

2014 SEP 12 A 9:51

STATE OF FLORIDA
ELECTIONS COMMISSION

To Whom It May Concern:

My name is Judy Davis. I am a Riviera Beach City Councilwoman (District 2) and a candidate for reelection.

The municipal election is March 10, 2015.

I am writing you this letter to appeal several automatic fines that were incorrectly assessed to me by my filing officer, City Clerk Carrie E. Ward, MMC.

A copy of Ms. Ward's letter, dated August 25, 2014, assessing the incorrect fines is attached.

For all three late reports indicated in the letter: 6/1/2014 through 6/20/2014; 7/26/2014 through 8/1/2014 and 8/9/2014 through 8/21/2014, there were no contributions or expenditures reported for these reporting periods (see attached reports).

According to Florida Statutes 106.07 (8)(b): "The fine is \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of total receipts or expenditures, whichever is greater, **for the period covered by the late report.**"

Based on the statute, there should be no fine for any of the three late reports.

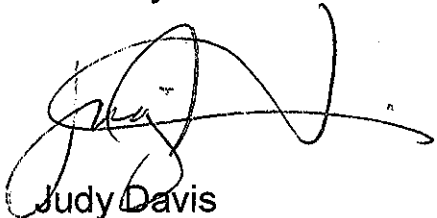
Further, as of today, Ms. Ward still has not provided me with a calendar of reporting dates as required by Florida Statute 106.07(1)(e).

In the absence of any clear direction, I elected to follow the state reporting schedule for the August 26 primary and November 4 general election.

However, I do not believe a candidate for a March 2015 municipal election should even be required to follow the state schedule.

Your consideration of this appeal is greatly appreciated.

Thank you.

A handwritten signature in black ink, appearing to read 'Judy Davis', with a large, sweeping flourish extending to the right.

Judy Davis
341 W. 22nd St.
Riviera Beach, FL 33404
561-252-1321

Cc: Carrie E. Ward, MMC, City Clerk
Ruth C. Jones, City Manager



CITY OF RIVIERA BEACH

600 WEST BLUE HERON BLVD • RIVIERA BEACH, FLORIDA 33404
(561) 845-4090 WWW.RIVIERABCH.COM FAX (561) 840-3438

DESK OF
CITY CLERK
CARRIE E. WARD
MASTER MUNICIPAL CLERK

August 25, 2014

Dear Ms. Judy Davis:

It has come to my attention that you **are not complying** with the Florida Statutes Chapter 106, Section 07 (2) and (8) – Campaign Financing; Reports; Certification and Filing.

"The penalty for late filing is a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report."

According to our records you have filed late reports for the period(s) covering 6/1/2014 through 6/20/2014 (*due 6/27/2014*); 7/26/2014 through 8/1/2014 (*due 8/8/2014*) and 8/9/2014 through 8/21/2014 (*due 8/22/2014*).

This letter serves as notice that you have been assessed a fine(s) for violations according to the law. Attached is an invoice for fines calculated though Monday August 25, 2014.

As you are aware, candidates are responsible for being in compliance with F.S. 106. As not to incur any additional fines, violations or penalties being imposed against you as a candidate, please review F.S. 106.07 (2) and (8).

Please govern yourself accordingly.

Yours For Better Community Services,

**Carrie E. Ward, MMC
City Clerk**

City of Riviera Beach Office of the City Clerk
 600 W Blue Heron Blvd
 Riviera Beach, FL 33404
 Phone: (561) 845-4090 Fax:(561) 840-3438

Invoice No. 1

INVOICE

Customer			
Name	Judy L. Davis		
Address	341 West 22nd Street		
City	Riviera Beach	State	FL ZIP 33404
Phone	561-845-0024		


Misc	
Date	8/25/2014
Order No	
Rep	
FOB	

Qty	Description	Unit Price	TOTAL
1	Campaign Treasurer's Report 6/1/2014 through 6/20/2014	\$ 577.70	\$ 577.70
1	Campaign Treasurer's Report 7/26/2014 through 8/1/2014	\$ 150.00	\$ 150.00
1	Campaign Treasurer's Report 8/9/2014 through 8/21/2014	\$ 150.00	\$ 150.00
Information will be duplicated and provided upon receipt of payment in full Make check payable to the City of Riviera Beach			

SubTotal	\$ 877.70
Shipping	
TOTAL	\$ 877.70

Payment	Select One
Comments	
Name	
CC #	
Expires	

Tax Rate(s)	
Office Use Only	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Write your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mail piece on the front if space permits.</p>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>B. Received by (Printed Name) SEP 02 2014 Judy Davis</p>		<p>C. Date of Delivery 8/29/14</p>	
<p>1. Name Addressed to: OFFICE OF THE CITY CLERK Judy Davis 341 W. 22nd St Riviera Bch, FL 33404</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7006 0100 0004 8293 7148</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail</p>		<p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee)</p>		<p><input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

7006 0100 0004 8293 7148

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
<p>Sent To: Judy Davis</p> <p>Street, Apt. No. or PO Box No.: 341 W. 22nd Street</p> <p>City, State, ZIP+4: Riviera Beach, FL 33404</p>	
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>	

9412 8628 4000 0010 9007

RIVIERA BEACH FL 33404 AUG 29 2014

CITY CLERK

FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Judy L. Davis
Name

(2) 341 W 22nd Street
Address (number and street)

Riviera Beach, FL 33404
City, State, Zip Code

OFFICE USE ONLY
RECEIVED
AUG 22 2014
OFFICE OF THE CITY CLERK

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

Candidate (office sought): Riviera Beach City Council - District 2

Political Committee

CHECK IF PC HAS DISBANDED

Committee of Continuous Existence

CHECK IF CCE HAS DISBANDED

Party Executive Committee

Electioneering Communication

CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From 08 / 09 / 14 To 08 / 21 / 14 Report Type 2014 P7

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ _____

Loans \$ _____

Total Monetary \$ _____ 0.00

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ _____

Transfers to Office Account \$ _____

Total Monetary \$ _____ 0.00

(8) Other Distributions \$ _____

(9) TOTAL Monetary Contributions To Date

\$ _____ 2,800.00

(10) TOTAL Monetary Expenditures To Date

\$ _____ 2,310.80

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

(Type name) Judy L. Davis

Individual (only for electioneering commun.) Treasurer Deputy Treasurer

Signature

I certify that I have examined this report and it is true, correct, and complete.

(Type name) Judy L. Davis

Candidate Chairperson (only for PC, PTY & electioneering commun. organization)

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

(1) Name Judy L Davis

(2) I.D. Number _____

(3) Cover Period 08 / 09 / 14 through 08 / 21 / 14

(4) Page 1 of 1

(5) Date	(6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
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CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name Judy L Davis (2) I.D. Number _____

(3) Cover Period 08 / 09 / 14 through 08 / 21 / 14 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
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