



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **RESOLUTION TO AUTHORIZE THE REIMBURSEMENT OF ATTORNEYS’ FEES IN THE AMOUNT OF TWO THOUSAND THREE HUNDRED AND THIRTY SEVEN DOLLARS AND FIFTY CENTS (\$2,337.50) TO JULIA A. BOTEL FOR REASONABLE LEGAL EXPENSES INCURRED IN THE SUCCESSFUL DEFENSE OF ETHICS COMPLAINT NUMBER 12-130, BEFORE THE STATE OF FLORIDA COMMISSION ON ETHICS.**

DATE: NOVEMBER 17, 2021

CC: GENERAL PUBLIC

On or about October 22, 2021, the State of Florida Commission on Ethics (hereinafter “Commission”) met in executive session and considered the dismissal of Complaint Number 21-130 (hereinafter “Complaint”) filed by Jill Wardle of Palm Beach Shores, Florida (hereinafter “Complainant”) against Julia A. Botel (hereinafter “Respondent”).

The Complaint alleged that the Respondent abused her official position for her personal benefit while acting as an agent of a nonprofit business entity, Singer Island Beach Polo (SIBP), by soliciting funds and/or donations for a charitable fundraising event held by the SIBP while the nonprofit was owned by another citizen; by having video, literature, and sponsorship packages created using the corporate name of the nonprofit; by ensuring that funds/donations were provided to the nonprofit Friends of Riviera Beach Schools; by sending allegedly slanderous emails from City computers; by holding herself out to other Councilmembers as an agent of the SIBP by attempting to trademark SIBP; and by acting as an owner/agent of SIBP in an attempt to merge the business with Miami Beach Polo.



Following a full investigation of these matters, the Commission determined that there was no probable cause to believe the Respondent violated Section 112.313(6), Florida Statutes, by using her official position to insert herself into the SIBP event to usurp Complainant's authority and to secure a special private benefit for herself and/or others, as alleged in the Complaint.

On October 27, 2021, the Commission ordered this Complaint dismissed.

Respondent engaged the legal representation of Richard E. Coates through the Coates Law Firm, P.L., for the representation of this Complaint and paid legal expenses in the amount of Two Thousand Three Hundred and Thirty Seven Dollars and Fifty Cents (\$2,337.50).

In order to determine whether a municipality may expend public money to reimburse a public official for reasonable legal expenses incurred in the successful defense of an ethics charge, the governing body must determine whether factual evidence exists that the ethics charge arose from the performance of official duties and while serving a public purpose.

The City Council has determined that the acts alleged in the Complaint against Respondent arose from Respondent's official duties and that a public purpose was being served at the time of those acts, and the reimbursement of the legal expenses totaling Two Thousand Three Hundred and Thirty Seven Dollars and Fifty Cents (\$2,337.50) is warranted and hereby approves said reimbursement.

Citywide Goal:

To provide quality, timely, cost-efficient, professional legal services and advice to support the goals and objectives of the City Council, the City Manager, and the City departments; and to advocate and defend the interests of the City within the bounds of the law.

Budget/Fiscal Impact:

Claim Loss Fund, Account No. 150215102-545000 GL

Recommendation(s):

The Office of the City Attorney recommends it is in the best interests of the City to approve this reimbursement.