



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	5,000	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	5,000	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget?                      Yes   X   No \_\_\_\_\_

Budget Account No.:    Fund 0001 Department 760 Unit 7601 Object 3125  
 Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

 _____ vo OFMB 2/15/11 2/16/11	 _____ Contract Development and Control 2/18/11
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**

ATTACHMENT #1

**CULVER SMITH III, P.A.**

500 Australian Avenue South  
Suite 600  
West Palm Beach, FL 33401 USA  
561-598-6800

FEIN: 27-2406649

February 14, 2011

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**ITEMIZATION OF ACTIVITY**

Re: *In re Burt Aaronson*  
Palm Beach County Commission on Ethics Complaint No. C10-006

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*Services rendered (time in hours):*

Dec 23, 2010	Review Palm Beach County Gift Law.	0.30
	Conference with Mr. Aaronson re complaint, etc.	0.80
Dec 28, 2010	Review Commission on Ethics rules of procedure; review and analyze complaint, investigative report, probable-cause affidavit, advocate recommendation, legal-sufficiency memorandum, and supporting documentation; research Florida Department of State and Palm Beach County lobbyist websites re listings for George Elmore.	1.20
	Various communications with S. Stubbs (George Elmore's counsel) re George Elmore's relationship with Business Development Board (BDB).	0.20
Dec 29, 2010	Review selected prior orders of the Commission on Ethics; transmit notice of appearance to the Commission on Ethics.	0.60
	Various communications with S. Stubbs re identity of BDB member.	0.40
	Draft response to complaint.	1.80
	Telephone conference with Mr. Aaronson re status.	0.10
Dec 30, 2010	Conference with Mr. Aaronson re facts and re strategy.	0.60



	Review and analyze Commission on Ethics Rules of Procedure with regard to withdrawal of complaint.	0.40
	Prepare correspondence to Executive Director of Commission on Ethics requesting withdrawal of complaint for lack of legal sufficiency.	0.80
Jan 03, 2011	Various communications with S. Stubbs re details of BDB dinner, etc.	0.50
	Prepare response to complaint; draft declaration for Mr. Aaronson; draft memorandum supporting finding of no probable cause.	4.40
Jan 04, 2011	Revise and edit memorandum supporting finding of no probable cause.	3.40
	Conference with Mr. Aaronson re execution of declaration and re presentation at commission hearing.	0.50
	Edit and finalize memorandum supporting finding of no probable cause; transmit same to Commission.	1.50
	Prepare correspondence to Mr. Abramson transmitting papers.	0.20
	Review and reply to correspondence from Commission on Ethics Executive Director re supplemental investigation, etc.	0.40
Jan 05, 2011	Develop and prepare oral argument for probable-cause hearing; prepare for hearing.	4.40
	Review and analyze Commission on Ethics investigator's supplemental affidavit supporting probable cause, supplemental investigative memorandum, and additional documents.	0.50
Jan 06, 2011	Review and analyze ethics ordinances in light of latest materials submitted by Commission on Ethics staff.	0.70
	Revise and rehearse argument to Commission.	1.80

	Appear for and present argument at probable-cause hearing.	2.70
Jan 07, 2011	Various communications with Commission on Ethics Executive Director and Advocate re resolution.	0.20
	Telephone conference with Mr. Aaronson re resolution.	0.10
Jan 11, 2011	Telephone conference with Mr. Aaronson re additional evidence and re filing amended gift-disclosure form.	0.10
	Telephone conference with Advocate re drafting proposed resolution.	0.20
	Draft proposed final order.	1.20
Jan 12, 2011	Draft and revise proposed final order; telephone conference with Mr. Aaronson re same; prepare correspondence to Advocate transmitting same.	2.20
Jan 20, 2011	Follow up with Advocate re disposition.	0.10
Jan 21, 2011	Telephone conference with Advocate re proposed order; telephone conference with Mr. Aaronson re same.	0.70
Jan 25, 2011	Review and analyze Staff's proposed order and letter of instruction; telephone conference with Mr. Aaronson re same; prepare requested modifications to same; prepare correspondence to Advocate re same.	2.40
Jan 26, 2011	Prepare correspondence to Mr. Aaronson forwarding response to Staff's proposed order and letter of instruction.	0.10
	Telephone conference with Mr. Aaronson re status of proposed disposition.	0.10
Jan 27, 2011	Review Staff's response to proposed modifications to order and letter of instruction; telephone conference with Advocate re same.	0.80
	Prepare follow-up correspondence to Advocate.	0.10

ITEMIZATION OF ACTIVITY  
P.B.C Commission on Ethics Complaint C10-006  
February 14, 2011  
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Jan 28, 2011	Review and reply to correspondence from Advocate.	0.10
Jan 31, 2011	Revise final order and letter of instruction to incorporate changes accepted by Staff; prepare correspondence to Advocate re same.	0.40
	Telephone conference with Mr. Aaronson re final documents; prepare correspondence to Mr. Aaronson transmitting same.	0.40
Feb 01, 2011	Telephone conference with Mr. Aaronson re acceptability of proposed final order and letter of instruction; prepare correspondence to Advocate re same.	0.10
Feb 03, 2011	Prepare for meeting of Commission on Ethics.	0.20
	Attend meeting of Commission on Ethics.	2.20
Feb 07, 2011	Review final order and letter of instruction as entered; prepare correspondence to Mr. Aaronson re same.	0.20

**Total hours:** 40.10

**FEE (at \$250/hr.):** \$10,025.00

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Law Office

**CULVER SMITH III, P.A.**

500 Australian Avenue South  
Suite 600  
West Palm Beach, FL 33401  
Tel. 561.598.6800  
www.culversmithlaw.com

ATTACHMENT #2

**Culver "Skip" Smith III**  
csmith@culversmithlaw.com

February 14, 2011

***BY ELECTRONIC MAIL ONLY***

Ms. Denise M. Nieman  
County Attorney, Palm Beach County  
Suite 601, Palm Beach County Governmental Center  
301 North Olive Avenue  
West Palm Beach, FL 33401

Re: Palm Beach County Commission on Ethics Complaint No. C10-006  
Request by Commissioner Burt Aaronson for reimbursement of fees incurred

Dear Ms. Nieman:

As you know, I represent Commissioner Burt Aaronson in regard to the recently concluded proceeding on the above-referenced complaint. Please consider this as Commissioner Aaronson's request, pursuant to Palm Beach County PPM CW-F-057, for reimbursement of attorney's fees that he incurred in defending that complaint.

Pursuant to PPM CW-F-057, the following information is provided:

A. *Name and address of requestor:* Burt Aaronson, 7461 Glendevon Lane, Delray Beach, FL 33446.

B. *Entity conducting investigation/proceeding:* Palm Beach County Commission on Ethics (through its staff).

C. *Case/file number:* C10-006.

D. *Description of each count, charge, or allegation investigated:* It was alleged that Commissioner Aaronson accepted a gift of a value in excess of \$100.00 from the principal of a lobbyist, in violation of section 2-444(a) of the Palm Beach County Code, namely, two tickets of a value of \$200.00 each to the Palm Beach County Business Development Board annual dinner/gala held on September 11, 2010, at the Breakers Hotel and Resort. The original charge was that the tickets came from a company owned by George Elmore, Coconut Northlake, LLC, which is identified on the County's lobbyist-registration database as the principal of a lobbyist. Subsequently, the charge was modified to assert that the donor was George Elmore himself and



that Mr. Elmore was the principal of a lobbyist through Coconut Northlake, LLC, and had personally employed lobbyists in the past.

E. *Date of alleged incident(s)*: September 11, 2010 (the date of the dinner).

F. *Requestor's office/position at the time*: County Commissioner.

G. *Reasons that the criteria for reimbursement are met*: PPM CW-F-057 authorizes reimbursement of present and former county commissioners, public officers, and their employees and agents for the reasonable attorneys' fees and costs that they have incurred after "successfully defending or prevailing in actions concerning ... the Palm Beach County Code of Ethics, ... provided that such actions arose out of and in connection with their scope of County employment or County function and while serving a public purpose." The reasons that this request meets the criteria of PPM CW-F-057 and that the fees should be reimbursed are as follows:

1. Commissioner Aaronson successfully defended or prevailed in the proceeding. PPM CW-F-057 defines *successfully defend or prevail* as "the dismissal, the finding of not guilty, or a verdict in favor of the persons covered herein." The complaint against Commissioner Aaronson (C10-006) was dismissed by the Commission on Ethics on February 3, 2011.

2. The complaint arose out of and in connection with the scope of Commissioner Aaronson's County function and while serving a public purpose. Commissioner Aaronson attended the Business Development Board dinner for the sole purpose of and at the invitation of the Business Development Board to read a proclamation and make remarks honoring the men and women of 9/11. This is befitting an elected public official and is an appropriate means by which a governmental body such as Palm Beach County may recognize extraordinary service and sacrifice by citizens of this nation and to inspire patriotism among the populace, all of which serves a clear public purpose.

H. *Name and contact information of attorney representing the requestor against the counts, charges, or allegations described in paragraph D above*: Culver Smith III, 500 Australian Avenue South, Suite 600, West Palm Beach, FL 33401, telephone 561-598-6800.

I. *Description of fee arrangement/agreement and the amount of fees/costs incurred*: Commissioner Aaronson's and my fee agreement provides for a fee of \$500.00 per hour. Attached is an itemization of the time devoted to Commissioner Aaronson's defense. In recognition of the \$250.00 per hour cap imposed by PPM CW-F-057, the amount reflected (\$10,025.00) is based on that hourly rate. I have agreed with Commissioner Aaronson, however, to charge him no more than \$5,000.00. He has paid that amount. Accordingly, it is requested that Commissioner Aaronson be reimbursed \$5,000.00.



Ms. Denise M. Nieman  
February 14, 2011  
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The Commissioner and I will be pleased to provide you with any additional information that you may require for this purpose.

Respectfully yours,

*Culver Smith* W

Encl. (Statement of Account)  
cc: Commissioner Burt Aaronson