# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	December 18, 2018	[X] Consent [] Regular [] Public Hearing
Department		
Submitted By:	County Attorney	
Submitted For:	County Attorney	
	I. EXECUTIVE	BRIEF
fees and costs in	the amount of \$12,679.90, inc	o: approve reimbursement of attorney's curred by Ronald Jones in successfully ne Palm Beach County Commission on
Beach County Empto artificially inflate hearing on the minsufficient evidence consistent with Correview and approve Officials and Emplocommission on Etl	ployee, alleging a violation of to e on-time performance rates for atter, on July 30, 2018, the se to prove such a violation, and unty Policy PPM CW-F-057, we requests for reimbursement of oyees who prevail in actions to	B, 2017, against Ronald Jones, a Palm he Code of Ethics by manipulating data or Palm Tran Connection. Following a Hearing Officer found that there was ad dismissed the charge. This motion is which authorizes the County Attorney to on behalf of present and former County brought before the Palm Beach County connected to an official County function de (LB)
of his official publ defending the matter complies with the	ic duties, he is entitled to ha er before the Palm Beach Cour applicable PPM on the subjec	filed against Mr. Jones involved exercise ave attorney's fees and costs paid in anty Commission on Ethics. This request at, which was created pursuant to BCC exceeds the amount of reimbursement

### Attachments:

<ol> <li>Letters requesting rein</li> </ol>	nbursement with	invoices
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reimbursement paid for legal services.

2.	Supplemental	request for	reimbursement with	invoice and	proof of paymer	٦t
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because his attorney's hourly rate exceeded the maximum amount allowed by the PPM. This request is also consistent with common law, which allows for payment of attorney's fees and costs expended in successfully defending charges that arise out of performance of a public employee's official duties. Payment will be made directly to Mr. Jones as

Recommended by:	Mum	
Approved by:	NIA	Date

### II. FISCAL IMPACT ANALYSIS

## A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital					
Expenditures					
<b>Operating Costs</b>	12,679.90				
External					
Revenues					
Program					
Income(County)					
In-Kind					
Match(County					
NET FISCAL					
IMPACT	12,679.90				
#ADDITIONAL					
FTE					
POSITIONS					
(CUMULATIVE					

IMP	ACT	12,679.90						
#ADI	DITIONAL							
FTE								
POSI	TIONS							
(CUN	MULATIVE							
Is Item	Included in C	Current Budget?		Yes X	No			
Does t	his item includ	de the use of fed	eral funds?	Yes	No 🗴			
	t Account No	: <b>760</b> Organiza	ation <b>760</b> 1 Obj	ect 3125	5			
B. Re	commended S	Sources of Fund	ds/Summary o	f Fiscal Im	pact:			
C. De	partmental F	iscal Review:	-					
III. RI	EVIEW COM	IMENTS:	east Day, and (	Control Co	mmont	σ•		
	OFM	ne Hyshie B	goulph			v & Control	Bon 1116	-6118
В.	Legal Suffic	ounty Attorney					V	
C.	Other Depar	rtment Review						

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

**Department Director** 

October 20, 2018

RECEIVED OCT 2 3 2018 P.B. COUNTY ATTORNEY

Denise Marie Nieman **County Attorney** Robert Weisman Governmental Center 301 N Olive Avenue, Suite 601 West Palm Beach, FL 33401

Ms. Nieman:

The following is a request for reimbursement for attorney fees under Palm Beach County PPM#: CW-F-057 (REIMBURSEMENT OF ATTORNEY'S FEES AND COSTS IN DEFENDING ETHICS COMPLAINTS). This request is based on the favorable judgement in Palm Beach County Commission on Ethics case #C17-002. Legal representation was sought in the case based on the gravity of the allegations against me.

I am requesting reimbursement for fees or costs including the following required information:

- A. The name and the current address of the person making the request; Ronald Jones 3136 Grandiflora Dr Greenacres, FL 33467
- B. A description of the entity that conducted the investigation or proceeding; Palm Beach County Commission on Ethics
- C. Case number or file number; C17-002
- D. A description of each count, charge, or allegation made or investigated; PUBLIC REPORT AND FINAL ORDER Background: "Complainant, Mark E. Bannon, Executive Director for the Palm Beach County Commission on Ethics filed the complaint on February 23, 2017, alleging that Respondent, Ronald Jones, a Palm Beach County employee and former director of Palm Tran Connection (PTC), violated Article XIII, Section 2-443(b), Corrupt misuse of official position, of the Palm Beach County Code of Ethics by manipulating PTC data to artificially inflate the on-time performance rates."
- E. The date(s) that the incidents are alleged to have occurred; October 2, 2015
- F. The person's office or position of employment with the County on the dates described in paragraph E above;

**Director of Palm Tran Connection** 

- G. The reasons why such person believes that the request meets the criteria set forth in this policy, and reasons why his or her fees and costs should be reimbursed by the County;
  - a. The final judgement in this matter was decided in my favor;

PUBLIC REPORT AND FINAL ORDER "26. Pursuant to the Palm Beach County Commission on Ethics Ordinance §2-260.1, Public hearing procedures, the Hearing Officer finds that there was insufficient evidence to prove the Respondent violated section Article XIII, Section 2-443(b), Corrupt misuse of official position, of the Palm Beach County Code of Ethics.

Therefore, it is: ORDERED AND ADJUDGED THAT this matter is concluded with the dismissal of the charge against Respondent."

- b. The allegation arose out of and in connection within the scope of my County employment and while serving a public purpose.
- H. The name, address and telephone number of the attorney or attorneys who represented such person against the counts, charges or allegations described in paragraph D above;

ARTHUR T. SCHOFIELD, P.A.

Via Jardin Building 330 Clematis Street, Suite 207 West Palm Beach, Florida 33401 (561) 655-4211 Fx: (561) 655-5447 e-mail: aschofield@flalabor.com

website: <u>www.flalabor.com</u>

I. A description of the fee arrangement or agreement between the person and his or her attorney, the amount of attorney's fees and costs paid for defense against the counts, charges, or allegations described in paragraph D above; and

See Attachment One Engagement Letter

J. Such other information as the Board of County Commissioners or the County Attorney's office may reasonably require.

See attachments:

Two: Statement of Services 01.12.18
Three: Statement of Services 05.22.18
Four: Statement of Services 07.26.18
Five: Invoices for hearing subpoenas

Six: Public Report and Final Order 7.30.2018

Seven: PPM#: CW-F-057

The total cost incurred equals \$15,712.50. Under the PPM's limit of \$275 per hour for attorney fees, the amount requested is \$11,992.10.

Thank you for your consideration in this matter.

Sincerely,

Ronald CJones 3136 Grandiflora Dr Greenacres, FL 33467

# Arthur T. Schofield, P.A. Attorney at Law

Fighting for the Rights of Employees & Victims since 1993

Arthur Schofield, Esq. aschofield@flalabor.com schofieldart@aol.com

Renae Main, Paralegal <u>imain@flalabor.com</u> <u>renaemain@aol.com</u>

March 30, 2017

Ron Jones ronjon555@bellsouth.net

Re: PB County Commission on Ethics

Dear Ron:

Pleasure speaking to you today. This letter, which I ask be signed and returned, will serve as our engagement agreement in connection with the above-referenced matter. My office will represent you ("Client") before the Palm Beach County Commission on Ethics at \$375.00 per hour for attorney time and \$125.00 per hour for paralegal time. All costs incurred will be the responsibility of the Client.

The plan is to dispose of the matter with a finding of no probable cause and I anticipate that fees and costs could range between \$2,500 and \$3,500. I cannot, however, ensure that will occur. If the matter results in a public hearing, fees and costs could range between \$5,000 and \$10,000, much of that range depending on the breadth of hearing and preparation for same.

My office will require a retainer of \$2,500 which will remain in trust and services and costs will be billed monthly. I look forward to working with you on this matter.

Thank you,

Sincerely,

Accepted by:

Arthur Scholield, Esq.

ARTHUR T. SCHOFIELD)P

Ronald Jones

ARTHUR T. SCHOFIELD, P.A. | Via Jardin | 330 Clematis Street | Suite 207 | West Palm Beach, FL 33401 (561) 655-4211 | Facsimile (561) 655-5447 www.flalabor.com

### Statement of Services Jones v. Palm Beach County/ Palm Tran

Date	Services	Time
03/30/17 .	TC with client; Prepare Retainer Letter; E-mail to/from client; Review file	0.8
05/05/17	E-mail to/from client re: status	0.2
10/25/17	Review Report; Review e-mails; TC with client	0.7
10/26/17	E-mail to/from client; E-mail to/from Commission on Ethics	0.4
10/30/17	TC with Advocate D. Arpe	0.4
11/02/17	E-mail to/from client	0.2
11/27/17	Review client response; Memo to R. Main re: schedule	0.7
11/28/17	E-mail to/from client	0.2
12/12/17	Review summary from client; Review Investigative file; Review recommendation of Advocate D. Arpe; E-mail to/from client	1.6
12/14/17	E-mail to/from client	0.2
12/15/17	E-mail to/from client; TC with client	0.5
12/19/17	Review OIG Report, Report of Investigator, Probable Cause Records; Prepare response; E-mail to/from client (x3)	3.2
12/20/17	Review OIG Report, Report of Investigator, Probable Cause Records; Prepare response	2.5
12/27/17	Finalize Statement; E-mail to/from client; E-mail to/from Commission	1.2
01/05/18	E-mail to/from client; E-mail to/from Commission on Ethics	0.5
01/10/18	TC with client; Review file; Preparation for Probable Cause Hearing	1.0
01/11/18	Prepare for/Attend Probable Cause Hearing	1.6
	(\$375.00 per hour): 15.9 e (\$125.00 per hour): -0-	
Fees this Statement:	\$5,962.50	
Total Due:	\$5,962.50	
Retainer balance:	\$2,500.00	

ARTHUR T. SCHOFIELD, P.A. | Via Jardin | 330 Clematis Street | Suite 207 | West Palm Beach, FL 33401 (561) 655-4211 | Facsimile (561) 655-5447 www.flalabor.com

### Statement of Services Jones v. Palm Beach County/ Palm Tran

Date	Services	Time
01/12/18	E-mail to/from Commission	0.2
04/02/18	E-mail to/from Commission; E-mail to/from client	0.2
05/07/18	Attend pre-hearing conference	1.0
05/08/18	Review Order	0.3
05/10/18	TC with client	0.2
05/17/18	Prepare Exhibit and Witness lists	1.0
05/21/18	Review Commission's Exhibit and Witness lists	0.2
•	e (\$375.00 per hour): 3.1 e (\$125.00 per hour) -0-	
Fees this Statement:	\$1,162.50	
Total Due:	\$1,162.50	
Retainer balance:	\$2 500 00	

### Statement of Services Jones v. Palm Beach County/ Palm Tran

Date	Services	Time
05/23/18	Review Exhibit/Witness lists; Memo to R. Main	0.4
05/29/18	E-mail to/from Commission; E-mail to/from client	0.2
05/31/18	TC with D. Arp re: witness, exhibit lists	0.3
06/01/18	TC with client	0.2
06/06/18	Review file/statements in preparation for depositions	1.0
06/07/18	Depositions; Meeting with client; Meeting with D. Arp; E-mail to/from client	2.2
06/15/18	Review transcripts; E-mail to/from D. Arp	0.5
06/22/18	E-mail to/from D. Arp	0.2
06/27/18	TC with client; Finalize Amended Witness List	0.3
07/02/18	Review documents; E-mail to/from client	0.5
07/03/18	Update/supplement Exhibit list; E-mail to/from Commission	0.6
07/05/18	Review Exhibit, Witness lists; Prepare for Pre-hearing conference	0.4
07/06/18	Attend Pre-hearing conference; TC with client	1.2
07/09/18	Meeting with Commission on Ethics	1.6
07/10/18	E-mail to/from D. Arp	0.2
07/11/18	Review exhibits; Finalize Exhibit list	1.0
07/12/18	Prepare for hearing; Draft Pre-hearing Statement	2.2
07/13/18	Meeting with client; Finalize Pre-hearing Statement	1.3
07/14/18	Prepare for hearing	1.4
07/16/18	Prepare for hearing; Attend hearing	5.0
07/17/18	Draft Final Proposed Order	1.4

Statement of Services Jones, Ron Page 2 of 2

07/18/18

Revise Final Proposed Order

0.3

07/23/18

Finalize Proposed Order; E-mail to Commission

0.3

07/24/18

E-mail to/from Commission; E-mail to/from client

0.2

Total:

Attorney time (\$375.00 per hour): 22.9 Paralegal time (\$125.00 per hour)

\$8,587.50

Fees this Statement: Retainer balance:

<\$2,500.00>

**Total Due:** 

\$6.087.50

INVOICE

C.W. SERVICES & ASSOCIATES

4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax i.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 11:40 am AUTHORIZED To be served on: LOUIS FERRI, OPERATIONS MANAGER

# ) (43) (45) (16 (17 MW) (7

Invoice #CWO-2018001740 6/29/2018



### ITEMIZED LISTING

Line Item	Quantity Price Amoun
Local Address Provided	1.00 48.00 48.00
TOTAL CHARGED:	\$48.00
BALANCE DUE:	\$48.00

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6/29/2018

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C.W. SERVICES & ASSOCIATES 4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 11:40 am AUTHORIZED

To be served on: EVETTE RICKETS, CONNECTION SERVICE SUPERVISOR

### ITEMIZED LISTING

Line Item	Quantity Price	Amount
Local Address Provided	1.00 48.00	48.00
TOTAL CHARGED:		\$48.00
BALANCE DUE:		\$48.00

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Invoice #CWO-2018001742

6/29/2018

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C.W. SERVICES & ASSOCIATES

4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

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Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 11:40 am AUTHORIZED

To be served on: HEATHER LOPEZ

### **ITEMIZED LISTING**

Line Item	Quantity	Price	Amount
Local Address Provided	1.00	48.00	48.00
TOTAL CHARGED:			\$48.00
BALANCE DUE:			\$48.00

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C.W. SERVICES & ASSOCIATES

4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE; RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 11:40 am AUTHORIZED

To be served on: CHARLES FRAZIER

INVOICE

Invoice #CWO-2018001743 6/29/2018



### **ITEMIZED LISTING**

Line Item	Quantity	Price	Amount
Local Address Provided	1.00	48.00	48.00
TOTAL CHARGED:			\$48.00
BALANCE DUE:	***************************************		\$48.00

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Invoice #CWO-2018001744

6/29/2018

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C.W. SERVICES & ASSOCIATES 4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Paim Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 11:40 am AUTHORIZED

To be served on: BENJAMIN ESPINOZA

### ITEMIZED LISTING

Line Item	Quantity Price Amount
Local Address Provided	1.00 48.00 48.00
TOTAL CHARGED:	\$48.00
BALANCE DUE:	\$48.00

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C.W. SERVICES & ASSOCIATES 4908 Grassleaf Drive Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 10:22 am INDIVIDUAL/PERSONAL

To be served on: CHARLES MILLER

## INVOICE

Invoice #CWO-2018001745 6/29/2018



### ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Local Address Provided	1.00	48.00	48.00
TOTAL CHARGED:			\$48.00
BALANCE DUE:			\$48.00

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C.W. SERVICES & ASSOCIATES 4908 Grassleaf Drive Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/27/2018 6:35 pm INDIVIDUAL/PERSONAL

To be served on: MICHAEL CASSIDY

### INVOICE

Invoice #CWO-2018001746 6/28/2018



### ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Local Address Provided	1.00	48.00	48.00
TOTAL CHARGED:			\$48.00
BALANCE DUE:			\$48.00

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C.W. SERVICES & ASSOCIATES 4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Vla Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

INVOICE

Invoice #CWO-2018001747 7/5/2018



Received: 6/27/2018 Served: 7/2/2018 9:00 am INDIVIDUAL/PERSONAL To be served on: SHANNON LAROCQUE, UTILITIES DIRECTOR

### ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Western Community Service	. 1.00	50.00	50.00
Western Communities Has a Fuel Fee. Total Miles =	28.00	0.60	16,80
TOTAL CHARGED:			\$66.80
BALANCE DUE:			\$66.80

Comments pertaining to this invoice: 7/2/2018 9:04 amSigned for service

We accept credit cards via our website at www.process-investigations.com
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Invoice #CWO-2018001748

6/28/2018

INVOICE

C.W. SERVICES & ASSOCIATES

4908 Grassleaf Drive

Palm Beach Gardens, FL 33418

Phone: (561) 630-4866 Fax: (561) 776-0540 Tax I.D. 65-0568564

Arthur T. Schofield, Esquire ARTHUR T. SCHOFIELD P.A. 330 Clematis Street Suite 207 Via Jardin West Palm Beach, FL 33041

Your Contact: Renae Main

Case Number: Palm Beach C17-002

IN RE: RESPONDENT: RONALD JONES

Received: 6/27/2018 Served: 6/28/2018 8:00 am INDIVIDUAL/PERSONAL

To be served on: CHUCK COHEN

### ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Western Community Service	1.00	50.00	50,00
Western Communities Has a Fuel Fee. Total Miles =	28.00	0,60	16.80
TOTAL CHARGED:			\$66.80
BALANCE DUE:			\$66.80

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November 2, 2018

Denise Marie Nieman County Attorney Robert Weisman Governmental Center 301 N Olive Avenue, Suite 601 West Palm Beach, FL 33401 RECEIVED

NOV 0 5 2018

P.B. COUNTY ATTORNEY

Ms. Nieman:

As requested, please find attached the cancelled checks for services paid regarding Palm Beach County Commission on Ethics case #C17-002.

In addition, I wish to ament the requested amount to include the transcription services needed for the successful outcome in the matter.

I have attached the invoices for transcription and the cancelled check for \$687.80.

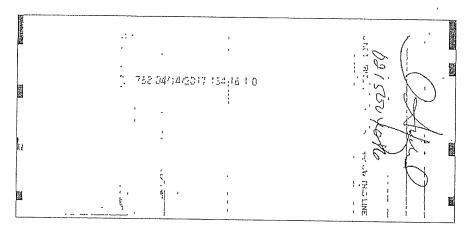
This bring the total cost incurred to \$16,869.90. Under the PPM's limit of \$275 per hour for attorney fees, the amount requested is \$12,679.90.

Thank you for your positive consideration in this matter.

Sincerely,

Ronald C Jones 3136 Grandiflora Dr Greenacres, FL 33467 {6545304893} 0002\*730349 DR/82 \$2500.00

RONALD C JONES CYNTHIA K JONES 3138 GRANDIFLORA DRIVE GREENACRES, FL 33467 3624 \_\$ 2,500.0° Dollars fi 🚞 SU Surmyl Blvd dem Besch, FL 03-100 O 7000 (IDENTY ENTERPRISES



U.S. Legal Support, Inc.
444 West Railroad Avenue
Suite 300
West Palm Beach FL 33401
Phone:561-835-0220 Fax:561-835-3583

Arthur Schofield, Esquire Arthur T. Schofield, P.A. 330 Clematis Street Suite 207 West Palm Beach FL 33401

## INVOICE

Invoice No.	Invoice Date	Job No.	
120191317	6/15/2018	1747881	
Job Date	Case	No.	
6/7/2018	C17002		
Case Name			
In re: Ronald Jones			
Payment Terms			
Due upon receipt			

ORIGINAL TRANSCRIPT OF:					
Heather Lopez	50.00	Pages	@	4,50	225,00
Attendance - First Hour				95.00	95.00
Additional Hour(s)				65.00	65.00
Processing & Handling				45.00	45.00
Heather Lopez					
Exhibit	2.00	Pages	@	0.65	1.30
ORIGINAL TRANSCRIPT OF:					
Benjamin Espinoza	47.00	Pages	@	4.50	211.50
Processing & Handling				45.00	45.00
	TOTAL	. DUE >>>	>		\$687.80
	AFTER	7/30/2018	PAY		\$790.97

Invoice not paid by due date is subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. U.S. Legal Support may recover any fees and costs it incurs in collecting any unpaid amounts. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Please detach bottom portion and return with payment,

Arthur Schofield, Esquire Arthur T. Schofield, P.A. 330 Clematis Street Suite 207

West Palm Beach FL 33401

Remit To: U.S. Legal Support, Inc. P.O. Box 4772-12 Houston TX 77210-4772 Job No. : 1747881 BU ID : 53-WPB Case No. : C17002

Phone: 561-655-4211 Fax:561-655-5447

ase No. : C17002

Case Name : In re: Ronald Jones

**Total Due : \$687.80**AFTER 7/30/2018 PAY \$790.97

PAYMENT WITH CREDIT CARD	<u>ekcă</u>	VISA .
Cardholder's Name:		
Card Number:		
Exp. Date: Phone#:		
Billing Address:		
Zip: Card Security Code:		
Amount to Charge:		
Cardholder's Signature:		 

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