

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

BOARD APPOINTMENT SUMMARY

Meeting Date: 3/08/2022
Department: COMMISSION ON ETHICS
Submitted By: COMMISSION ON ETHICS

I. EXECUTIVE BRIEF

Motion & Title: Staff recommends Motion to Approve Appointment of Two Individuals to the Commission on Ethics (COE) Review Committee.

<u>Appointment</u>	<u>Seat Requirement</u>	<u>Nominated By</u>
David H. Baker	Appointed by BCC	COE

AND

Andrea D. McMillan	Appointed by BCC	COE
--------------------	------------------	-----

Summary: The Executive Director of the COE, in agreement with the Ethics Commission and the League of Cities is requesting the COE Review Committee review a proposed amendment to the Commission on Ethics Ordinance and make a recommendation to the Board of County Commissioners. The proposed amendment being considered is replacing one of the appointing entities currently referenced in the ordinance because it is no longer in existence in Palm Beach County with a new local organization to serve as an appointing entity.

Although the Board of County Commissioners has authority to appoint individuals without input from the COE, the Ethics Commission is offering two candidates for consideration that they believe will provide the expertise and diversity needed to represent the citizens of Palm Beach County, and who previously served on the Review Committee in 2021. The COE nominees are David H. Baker, Esquire, and Andrea D. McMillan, Esquire. Countywide (HJF)

Background and Justification: (Continued on page 3)

Attachments: Applications and Curriculum Vitae for each nominee

Recommended

by:  2/18/2022
Christie E. Kelley, Executive Director Date

Approved

by:  2/18/2022
Todd Bonlarron, Assistant County Administrator Date

Approved

by:  2/18/22
County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

In November of 2010, the voters of Palm Beach County approved a charter amendment requiring the Board of County Commissioners to establish by ordinances applicable to Palm Beach County and all municipalities approving a code of ethics, an independent Inspector General, and an independent Commission on Ethics.

The Charter amendments also called for the establishment of a review committee to review and recommend proposed changes to the Commission on Ethics Ordinance and the Code of Ethics Ordinance.

The Board of County Commissioners adopted the Palm Beach County Commission on Ethics and Code of Ethics as countywide Ordinances in May of 2011, in accordance with the County Charter. The Lobbyist Registration Ordinance, originally adopted in 2003, was modified in 2011 to work in tandem with the other ethics ordinances, and is considered an integral part of the adopted ethics laws for Palm Beach County.

Section 8.4(d) of the County Charter allows the County Commission, the League of Cities, the Ethics Commission, the COE Executive Director, or the Inspector General to recommend changes to the existing ethics ordinances. All proposed amendments must first be reviewed by a COE Review Committee, which consists of two representatives appointed by the Board of County Commissioners; two representatives appointed by the Palm Beach County League of Cities, Inc.; the County Attorney or her designee; and the General Counsel for the League or his or her designee. In addition, the committee will include the Executive Director of the Palm Beach County Commission on Ethics for matters pertaining to the Code of Ethics and COE Ordinances. The COE Review Committee in turn will provide its recommendations before the ordinance amendment is considered by the BCC.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Commission on Ethics Review Committee Advisory Not Advisory

At Large Appointment or District Appointment /District #: _____

Term of Appointment: Temporary Years. From: _____ To: _____

Seat Requirement: _____ Seat #: _____

*Reappointment or New Appointment

or to complete the term of _____ Due to: resignation other

Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: Baker David Herbert
Last First Middle

Occupation/Affiliation: Attorney
Owner Employee Officer

Business Name: Alley Maass Rogers & Lindsay, P.A.

Business Address: 340 Royal Poinciana Way, Suite 321

City & State: Palm Beach, FL Zip Code: 33480

Residence Address: 220 Miramar Way

City & State: West Palm Beach, FL Zip Code: 33405

Home Phone: () Business Phone: 561-659-1770

Cell Phone: 561-346-4964 Fax: 561-833-2261

Email Address: david.baker@amrl.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE

NOT APPLICABLE/
(Governmental Entity)

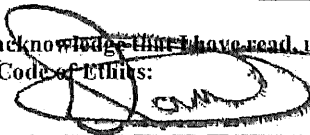
ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment. **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-80 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

By watching the training program on the Web, DVD or VHS on tbd 20
 By attending a live presentation given on _____, 20

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature:  Printed Name: David H. Baker Date: 2/16/2022

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
 {Insert Liaison Name Here}, {Insert Department/Division Here}
 {Insert Address Here}

Section III (Commissioner, if applicable):
 Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

DAVID H. BAKER

EDUCATION

University of Mississippi, Oxford, Mississippi
Juris Doctor, 1973
Editor, Mississippi Law Review, 1973

Mississippi State University,
Mississippi State, Mississippi
Bachelor of Science, Aeronautical Engineering, 1969

St. Aloysius High School
Vicksburg, Mississippi

EMPLOYMENT EXPERIENCE:

Alley, Maass, Rogers & Lindsay, P.A.
Law Firm, Palm Beach, Florida
Associate, January 1974 through June 1977
Partner and Shareholder, July 1977 to Present

Pratt & Whitney Aircraft, Florida Research and
Development Center, West Palm Beach, Florida
Designer Engineer, August 1969 through August 1971

Director and Organizer, Great Southern Bank,
1988 to 1997

Chairman and Organizer, Grand Bank & Trust of Florida,
1998 to December 2015

PROFESSIONAL EXPERIENCE:

Since 1975, Mr. Baker has had extensive experience with financial institutions concentrating primarily in the areas of commercial and consumer lending, regulatory loan and deposit compliance and troubled loan workouts. Mr. Baker has represented the organizers of a successful commercial bank and currently represents local and national financial institutions including commercial banks and thrifts.

ORGANIZATIONS:

Rehabilitation Center for Children and Adults, Inc.
Board of Governors, 1976 to Present
Executive Committee, 1977 to 1993
Board President, 1980 to 1982

Committees: Budget and Finance, Legal
Advisory, Long Range
Planning and Personnel

Florida Easter Seal Society
Delegate, 1978 to 1982

Vice Chairman, House of Delegates, 1978 to 1979
Chairman, House of Delegates, 1979 to 1980
Board, 1978 to 1990
Vice President, Board, 1982 to 1984
President, 1984 to 1986

Committees: Development, Fiscal, Long Range
 Planning, Member Relations and
 Standards Review, Personnel

Delegate, National Easter Seal Society
Convention, 1982 to 1987

Workforce Alliance, Inc./Career Source Palm Beach County, Inc.
General Counsel, 2003 to Present

Leadership Palm Beach County
Graduate, 1989
Alumni Association Board of Directors,
1989 to 1992; President, 1990 to 1992
Board Marketplace Advisory Board, Chairman
1995 to 1998
Leadership Excellence Award, 2007 Recipient
PBC Ethics Initiative Steering Committee, Founder 2007

Chamber of Commerce of the Palm Beaches
Board, 1986 to 1995
Executive Committee, 1989 to 1995
Treasurer, 1989
Vice President, 1990 to 1991
President-Elect, 1992
President, 1993

Economic Council of Palm Beach County, Inc.
Member, 1995 to Present

American Cancer Society
Together-For-Life Committee,
Member, 1991 to 1998
Co-Chair, 1991 to 1998

Rotary Club of West Palm Beach, 1989 to Present
Board of Director, 1993 to 2000
President, 1998 to 1999

Education Partnership
Board of Directors, 1991 to 1993
Chairman, Strategic Planning Committee, 1992

Education and Government Programming Advisory Board,
Palm Beach County Cable Channel 20
Member, 1992 to 2002
Chairman, 1994 to 1999

Forum Club of the Palm Beaches
Board Member, Various times from 1995 to 2009
President, 1997-1998

Leadership West Palm Beach
Steering Committee Member, 2002 to 2014

City of West Palm Beach Audit Committee
Member, 2003 to 2010
City of West Palm Beach, Nominating Committee
Member, 2004 to 2012

PERSONAL:

Date of Birth: December 12, 1946
Place of Birth: Vicksburg, Mississippi
Wife: Carolyn P. Baker
Children: Jennifer Loyless (December 25, 1972)
 Husband: David Loyless
 Grandson: Grayson 2004
 Granddaughter: Avery 2008
 Bryan Baker (August 28, 1978)
 Wife: Keri-Ann Calderwood Baker
 Granddaughter: Regan 2005
 Granddaughter: Reilly Sue 2008
 Grandson: Russtyn 2011

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARDS/COMMITTEES APPLICATION**

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

Section I (Department): (Please Print)

Board Name: Commission on Ethics Review Committee Advisory Not Advisory
 At Large Appointment or District Appointment /District #: _____
Term of Appointment: Temporary Years. From: _____ To: _____
Seat Requirement: _____ Seat #: _____
 *Reappointment or New Appointment
or to complete the term of _____ Due to: resignation other
Completion of term to expire on: _____

*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: _____

Section II (Applicant): (Please Print)

APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT

Name: McMillan Andrea Dianne
Last First Middle
Occupation/Affiliation: Attorney
Owner Employee Officer
Business Name: Law Offices of Andrea D. McMillan, PA
Business Address: 931 Village Blvd., 901-115
City & State: West Palm Beach, FL Zip Code: 33409
Residence Address: 4251 Tazewell Court
City & State: West Palm Beach, FL Zip Code: 33409
Home Phone: () Business Phone: (561) 612-5700
Cell Phone: (561) 601-7939 Fax: (561) 584-7734
Email Address: adm@amcmillanlaw.com

Mailing Address Preference: Business Residence

Have you ever been convicted of a felony: Yes _____ No

If Yes, state the court, nature of offense, disposition of case and date: _____

Minority Identification Code: Male Female
 Native-American Hispanic-American Asian-American African-American Caucasian

Section II Continued:

CONTRACTUAL RELATIONSHIPS: Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. **To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business.** This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)
OR

NONE

NOT APPLICABLE/
(Governmental Entity)

ETHICS TRAINING: All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, **Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountyethics.com/training.htm>.** Ethics training is on-going, and pursuant to PPM CW-P-80 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):



By watching the training program on the Web, DVD or VHS on 11/1 2020
By attending a live presentation given on _____, 20____

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

*Applicant's Signature: Andrea D. McMillan Printed Name: Andrea D. McMillan Date: 2/28/22

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.com or (561) 233-0724.

Return this FORM to:
{Insert Liaison Name Here}, {Insert Department/Division Here}
{Insert Address Here}

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on: _____

Commissioner's Signature: _____ Date: _____

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 01/14/2014

ANDREA D. MCMILLAN, ESQ.
931 Village Blvd., Suite 901-115
West Palm Beach, FL. 33409
adm@amcmillanlaw.com
(561) 601-7939

EMPLOYMENT

LAW OFFICES OF ANDREA D. MCMILLAN, PA (2002-present)

Representing injured people in automobile, general negligence, and wrongful denial of insurance benefit cases from the time of lawyer engagement through case conclusion in state and federal courts

RICCI, HUBBARD, LEOPOLD, FRANKEL, & FARMER, PA (1999-2001)

Aggressively represented and guided injured people through all phases of litigation

ADAMS, COOGLER, WATSON, & MERKEL, PA (1992-1998)

Defended medical malpractice and personal injury cases, after being hired by insurance companies.

LAW CLERK TO HONORABLE HARRY LEE ANSTEAD, FOURTH DISTRICT COURT OF APPEAL (1990-1992)

Read and analyzed appellate briefs submitted to the court. Performed legal research and wrote memoranda of law to the appellate judges regarding the legal issues to be decided in each case

BAR MEMBERSHIPS AND ADMISSIONS TO PRACTICE

- The Florida Bar
- The United States District Court, Southern District of Florida
- United States Court of Appeals for the Eleventh Circuit

LAW SCHOOL ACTIVITIES AND HONORS

UNIVERSITY OF FLORIDA COLLEGE OF LAW, J.D., 1990

- Moot Court Team Member
- Best Intramural Competitor Award, Moot Court, Fall 1989
- American Jurisprudence Book Award for Excellence in the Study of Family Law, Fall 1989

UNDERGRADUATE ACTIVITIES AND HONORS

STETSON UNIVERSITY, B.A. English, minor in Spanish, 1987

- Recipient, Algernon Sydney Sullivan Award- presented jointly by Stetson University and the New York Southern Society to the two outstanding male and female graduating seniors
- Member, Sigma Tau Delta (English Honor Society)
- Member, Omicron Delta Kappa (Leadership Honor Society)
- Member, Mortar Board (National Honor Society)
- Member, Judiciary Council
- Member, Phi Alpha Delta, Legal Fraternity
- Dormitory Head Resident (2 years) and Resident Advisor in Campus Residential Life Program

PROFESSIONAL AND CIVIC INVOLVEMENT

Legal Aid Society of Palm Beach County

Recipient, Human Rights Advocacy Award, 1998

The Florida Bar

- Former Member, Code & Rules of Evidence Committee and Code Improvement Subcommittee
- Former Member, Evidence Law Updates Editorial Board/Subcommittee
- Member, Trial Lawyers Section

Palm Beach County Bar Association,

- Member, Judicial Relations Committee
- Co-Chair, Evidence Subcommittee
- Member, Judicial Liaison Subcommittee
- Member, Personal Injury/Wrongful Death CLE Committee
- Former Member, Circuit Civil Practice Committee; Court Advisory/Appellate Committee; Executive Committee of the Young Lawyers Section; Bench/Bar Committee; Law Week Committee; Special Needs of Children Committee; Cultural Activities Committee

Florida Justice Association

- Member, Women's Caucus Section
- Member, Solo/Small Firm Section

Palm Beach County Justice Association

Florida Association of Women Lawyers

Andrea D. McMillan resume, page 3

Clinics Can Help (non-profit providing medical equipment and supplies to people in need)

- Former Board Chair, Vice-Chair, and 7-year Member, Board of Directors

Finalist Judge, 36th William T. Dwyer Awards for Excellence in Education, Palm Beach County, April, 2020 and April, 2021

The Church of Bethesda-by-the Sea, Member, Evangelism and Grants Committees, 2018 and 2019

Leadership Palm Beach County, Class of 1998

- Former General Counsel and Member, Board of Governors
- Former Member, Public Relations/Marketing Committee; Alumni Relations Committee; Bylaws Committee

Executive Women of the Palm Beaches

- Nominee, Women in Leadership Award, 1999

Former Board Memberships

- Legal Aid Society of Palm Beach County
- Forum Club of the Palm Beaches
- The Arc of Palm Beach County (Former Board President and 12-Year Member, Board of Directors)

SPEECHES AND PRESENTATIONS

- Speaker, "Freedom of Speech Under the First Amendment," to Palm Beach County Students for "Law Week," on behalf of Justice Teaching, May, 2019
- Speaker, Florida Bar Speakers Bureau. Delivered a presentation to Jupiter Branch Library patrons on Consumer Fraud April, 2019
- Lecturer, "Litigating Attorneys' Fees." Palm Beach County Bar Association, April, 2019
- Judge, Palm Beach County Bar Association Elementary School Civics Essay Contest, March, 2019
- Presiding Judge, American Association for Justice Student Advocacy (Mock Trial) Competition for Law Students, Palm Beach County Courthouse, March, 2019.
- Presiding Judge, Mock Trial Competition for High-Schoolers, Palm Beach County Courthouse. Put on by Florida Law Related Education Committee and Palm Beach County Bar Association, February 2018 and February 2019

Andrea D. McMillan resume, page 4

- Presenter of Interactive Civics Lesson to Students at Palm Beach County Courthouse for “Take Your Child to Work Day” February 2018 and February 2019
- Organizer/Presenter/ Moderator of Palm Beach County Bar Association Annual Evidence Law Seminars: “Getting It In, Keeping It Out, and Being Upheld On Appeal.” For 3 years, organized and prepared detailed outline on recent Florida Evidence case law for Palm Beach County civil, criminal, and appellate attorneys and judges, and moderated panel discussion with two Palm Beach County circuit judges and one Fourth District Court of Appeal judge. Each year, the Florida Bar awarded CLE credit to attendees.
- Speaker, “Lawyers for Literacy” Program. Delivered a presentation to students at an Adult Education Center on law as a career path, and overcoming obstacles to further education.
- Speaker, Florida “Lawyers in Libraries” Program. Made a public presentation to a library audience on free legal resources, how to find and choose a lawyer, tips for going it alone in court, and why justice is important, in honor of National *Pro Bono* Week, which celebrates lawyers serving the poor and disadvantaged through volunteer service.
- Co-Presenter, on the work of the Florida Constitutional Revision Commission to the West Palm Beach Rotary Club, on behalf of the Law-Related Education Committee of the Palm Beach County Bar Association
- Presenter to various audiences, as a member of the Florida Bar Speakers Bureau and Benchmarks Presenter on Adult Civics Education topics
- Lecturer, “AIDS and The Workplace Update”
- Lecturer, “Considerations in Medical Malpractice Cases”
- Former Adjunct Instructor, Advanced Legal Writing Paralegal Course, Florida Atlantic University, Division of Continuing Education