

**Palm Beach County Fall Term 2006
Grand Jury Presentment
Part B
January 31, 2007**

**Individual Unethical Behavior within the City of West Palm Beach
Ethics Committee**

Factual Basis

The testimony and evidence before this Grand Jury established facts as follows.

On July 12, 2006, after the discovery of Republic Properties Corporation's illegal connection to now former West Palm Beach City Commissioner Ray Liberti¹, City of West Palm Beach Mayor Lois Frankel announced the formation of an Ethics Committee. She appointed all members including her friend State Representative Mary Brandenburg.

In July 2006, after her appointment to the Ethics Committee, Mary Brandenburg met with members of the Northwood Renaissance, a non-profit community development corporation in the north end of the city of West Palm Beach. This organization is comprised of volunteers whose mission is to revitalize poor areas and to bring about and support affordable housing opportunities for low to moderate income residents. In attendance at this meeting held at Northwood on 24th Street, were Mary Brandenburg, volunteer President Carl Flick, Executive Director Terri Murray, political consultant

¹ Republic Properties Corporation, a real estate development company, paid consulting fees to then City Commissioner Ray Liberti in relation to the City Center project.

Donna Brosemer, and private banker Terry Fox, who is a volunteer board member that serves as Treasurer and Real Estate Committee Chair of Northwood Renaissance.

The purpose of the meeting was to discuss with Rep. Mary Brandenburg, in her role as an Ethics Committee member, the Northwood Renaissance's perceived ethics violations by the City of West Palm Beach in conjunction with the development of a "Village Center" project and a Publix supermarket in the Northwood business district. Northwood Renaissance members expected Rep. Brandenburg to address these ethical issues as part of the Ethics Commission's work and create some type of code of conduct of acceptable behavior.

Mary Brandenburg dismissed that discussion and immediately addressed her own agenda, a lesson on how to get things done in the City of West Palm Beach. Mary Brandenburg stated that Northwood Renaissance members needed to act like developers. She said they needed to be on the inside, not an outsider. She made it very clear that if Northwood Renaissance wanted to make progress in the political arena of the City of West Palm Beach, they were going to have to play the game the way everybody else did. She stated they needed to make sizeable political contributions to the Mayor's campaign fund. Mary Brandenburg turned to Carl Flick and stated that he really needed to meet with Mayor Frankel. She continued, "Bring your check book with you and show her how much you care and you need to show her your appreciation of her and don't forget your check book." The members of Northwood Renaissance were flabbergasted that the Mayor would meet with Carl Flick. Mary Brandenburg stated she could make that meeting happen and had knowledge of the Mayor's schedule.

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The agenda of Rep. Brandenburg progressed to how commissioners or elected officials could receive compensation for their votes. Mary Brandenburg discussed the right way and the wrong way to make contributions, giving an example of an inappropriate way to offer money: bribes and bogus consulting agreements with a spouse of the elected official.

Mary Brandenburg asserted the way you really ought to do it is to give campaign contributions carefully, and in \$500.00 increments. Mary Brandenburg reminded Carl Flick that he had made a campaign contribution of \$50.00 to her campaign back in the late 1990s. She referenced her district and said the areas west of I -95 are poor and mean nothing because they (the citizens) don't give contributions and they don't vote. She stated that there are only two ways to get her attention: vote in a good, solid block in a community; or make campaign contributions. She said the people in the eastern portion of her district vote and make political campaign contributions.

One of the stunned members of Northwood Renaissance informed Mary Brandenburg that their organization could not legally make political contributions as Northwood Renaissance was a charitable non-profit organization. Mary Brandenburg then shifted to individual political contributions. She specified that Carl Flick was the one who was supposed to buy himself into the Mayor's good graces. When asked by the Grand Jury if she stated to Carl Flick that one way of getting into the mayor's good graces would be that he make a sizable political contribution, Mary Brandenburg stated: "I'm sure I did, yes."

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At the end of this 2 ½ hour meeting, Carl Flick, who was taken aback by what Mary Brandenburg had said, stated he needed to sleep on it and would get back to her. The following day, in a telephone conversation, Mary Brandenburg stated, "Carl, I want to make it very clear, you've got to 'pay to play.' I want to be very clear, you have to bring your checkbook; you have to let her know that you are on her side, you have to pay to play." Carl Flick did not request a meeting with the Mayor.

There is no testimony or evidence that Mary Brandenburg was acting in the direction of Mayor Frankel.

The Grand Jury evaluated the testimony and noted at some points Rep. Brandenburg's responses to questions included the following: "I don't remember;" "I don't recall;" "I can't remember if I said that or not;" "I might have;" "I can't remember when it was;" "I'm sorry, but I don't remember the details of that conversation that were just months and months and months ago;" "I didn't take notes;" "Well, you know, I don't remember;" etc." For a meeting that occurred recently (July 2006), such responses indicate at best a lack of accurate memory. The Grand Jury found other witnesses to have more accurate memories. Further, the Grand Jury found corroboration of the July 2006 meeting in the testimony heard and records, including a phone message, reviewed. This Grand Jury finds the testimony from the Northwood Renaissance witnesses to be compelling and credible. Applying jury instruction 3.9, this Grand Jury questions the reliability of Rep. Brandenburg's testimony. The Grand Jury relied upon the credible testimony and evidence.

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Conclusions

Mary Brandenburg is a friend of Lois Frankel. Mary Brandenburg met with representatives of the Northwood Renaissance in her capacity as a member of the Ethics Committee of the City of West Palm Beach. Of significance, is that Mary Brandenburg met with volunteer members of a non-profit organization and instructed that the way to successfully conduct business in the City of West Palm Beach was to bring your checkbook and write substantial checks to the Mayor's campaign account.

Mary Brandenburg did not act ethically in her position as an Ethics Committee member. The conduct she exhibited in her position as Ethics Committee member in the meeting with the Northwood Renaissance can only be described as unethical. Her goal was clear and concise: Deliver a message to the Northwood Renaissance organization. Act like all the other developers. "Pay to play" in the City of West Palm Beach. Financial contributions will make you an insider. Financial contributions will get you votes, variances, and support.

Mary Brandenburg's conduct and message articulated the "pay to play" atmosphere of the City of West Palm Beach. Her message was and is indicative and confirmatory of the "pay to play" environment in which developers conduct business in the City of West Palm Beach.

This Grand Jury is appalled by Mary Brandenburg's lack of compassion and concern for the citizens of West Palm Beach, particularly those "west of I-95."

This Grand Jury applauds the Northwood Renaissance organization and supports their continued efforts, and is saddened by the loss of affordable housing opportunities for lower and middle income residents of the City of West Palm Beach.

The citizens of the City of West Palm Beach and Palm Beach County expect and deserve integrity and ethics in their elected officials.

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It is the recommendation of this Grand Jury that this report be furnished to the following:

Governor Charlie Crist
Ken Pruitt, Senate President
Marco Rubio, Speaker of the House
House Committee on Ethics & Elections in care of Chair Pat Patterson
Senate Committee on Ethics & Elections in care of Chair Lee Constantine
Philip Claypool, Executive Director and General Counsel, Florida Commission on Ethics
Chris Anderson, Legal Counsel, Florida Commission on Ethics
Chance Irvine, Chair, Florida Elections Commission
Commissioner Isaac Robinson
Commissioner Kimberly Mitchell
Commissioner Jeri Muoio
Commissioner William Moss
City Attorney Claudia McKenna
Northwood Renaissance in care of Mr. Carl Flick
Ethics Committee in care of Chair Keith James
Ms. Wendy Sartory Link, Chamber of Commerce of the Palm Beaches
State Representative Mary Brandenburg; and
Mayor Lois Frankel

The Grand Jury respectfully submits this unanimous report this 31st day of January, 2007.



STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 21 DAY OF Aug, 2025

CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: [Signature]
Deputy Clerk

[Signature]

FOREPERSON OF THE GRAND JURY

[Signature]
MARY ANN DUGGAN
ASSISTANT STATE ATTORNEY
FIFTEENTH JUDICIAL CIRCUIT

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STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that the foregoing is a true copy of the record in my office.

THIS 6 DAY OF Sept, 2007
SHARON R. BUCK
CLERK & COMPTROLLER

By: [Signature]
DEPUTY CLERK