

Majority of Palm Beach County commissioners endorse grand jury's independent watchdog recommendation

by George Bennett | June 18th, 2009 | Copyright 2009 The Palm Beach Post

After seeing three of their own go to federal prison on corruption charges in less than three years, a majority of Palm Beach County commissioners say they support creating a politically independent watchdog to monitor county government.

A county grand jury recommended such an entity in a report last month, suggesting as a model the Office of Inspector General that Miami-Dade County created after corruption scandals there in the 1990s.

Four Palm Beach County commissioners — Steven Abrams, Karen Marcus, Jess Santamaria and Shelley Vana — say they support the concept of an inspector general.

Commission Chairman Jeff Koons has said he opposes the idea. Commissioner Burt Aaronson said the idea “merits discussion” and he hasn’t taken a final position.

Commissioners are scheduled to discuss the grand jury report July 21.

The grand jury was requested by State Attorney Michael McAuliffe, who took office in January. State prosecutors have largely been on the sidelines while the U.S. Attorney’s Office has used the federal honest services fraud law to go after corruption in local government

Since 2006, former county commissioners Tony Masilotti, Warren Newell and Mary McCarty have gone to prison after pleading guilty to federal corruption charges. So have former West Palm Beach city commissioners Ray Liberti and James Exline, along with McCarty’s husband Kevin, prominent attorney Bill Boose and Wellington businessman Daniel Miteff.

Most state ethics laws impose civil rather than criminal penalties for violations. One of the grand jury’s recommendations is to strengthen state criminal statutes to address “theft of honest services by public servants.”

The grand jury’s most talked-about recommendation has been the inspector general idea. The grand jury presentment points favorably to Miami-Dade, where Inspector General Christopher Mazzella has a staff of 38 and a budget of \$5.8 million.

The Miami-Dade inspector general’s office gets about 7 percent of its budget from general tax revenue. Most of the remainder comes from revenue-generating departments such as the airport and from a 0.25 percent fee on county vendor contracts.

Tony Alfieri, a University of Miami law professor who heads the school’s Center for Ethics and Public Service, said it would be a “great idea” for Palm Beach County to follow the Miami-Dade model.

“I would characterize it as a good model based on its political independence, the adequacy of its financial resources, which could certainly be increased, and the scope of its mandate — the broader the better,” Alfieri said.

The Miami-Dade inspector general’s office has estimated that from 1997 to 2007 it uncovered more than \$100 million in questionable costs and lost revenue and identified more than \$60 million in future savings and restitution. Its investigations have led to more than 200 arrests.

Asked if the office has reduced corruption in Miami-Dade, Alfieri said, “that question is difficult to answer empirically, but anecdotally the answer seems to be yes.”

In expressing support for the inspector general office, Palm Beach County commissioners said they need to iron out details such as how to pay for it and how to define its mandate.

“The inspector general is also a budget issue,” said Abrams, who was appointed this year after McCarty resigned. Marcus, too, said working out a financing source is critical.

Vana said she wants to explore having an inspector general also review efficiency in government, similar to the Florida legislature’s Office of Program Policy Analysis and Government Accountability.

Santamaria, at a public meeting Wednesday night in Wellington, said “We’ve got to have that inspector general....We can’t afford not to have an inspector general.”

At that meeting, Alan Johnson, the head of the state attorney’s public integrity unit, urged citizens fed up with county corruption to “have faith....the county commission is engaged.”

In its inspector general recommendation, the grand jury said commissioners should pass an ordinance giving the watchdog “the ability to obtain any and all records” from county government, its vendors and any entities that receive county money.

The grand jury recommended that the inspector general be selected by an oversight board with representatives of the state attorney, public defender, sheriff, city police chiefs, the head of a newly established county ethics commission and a private citizen.

“There has to be a political will for it,” said Mazzella, the Miami-Dade inspector general. “And if there is, make sure the inspector general is autonomous and independent.”