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CITY OF DELRAY BEACH City Attorney's Office



Sent Via Certified Mail and Hand Delivery

Mr. Richard Burgess
475 SE 1st Avenue, Suite A
Delray Beach, FL 33444

**Re: Notice of Hearing Pursuant to Article 8.2, Section 8.2.2(C) of the City of Delray Beach
Code of Ordinances**

Dear Mr. Burgess:


Please allow this correspondence to serve as notice that the City Commission has scheduled a hearing to consider your status as a member of the Downtown Development Authority ("DDA") pursuant to section 8.2.2(C), Creation of authority, composition, and provision relating to members, of the Delray Beach Code of Ordinances.

As you are aware, a complaint alleging a possible ethics violation was filed against you with the Palm Beach County Commission on Ethics ("COE"). The complaint alleged that you falsified information on your application to become a board member of the DDA in violation of Section 2-443(h), Honesty in application for Positions, of the Palm Beach County Code of Ethics. On March 7, 2024, a Public Report and Final Order was executed by the COE finding clear and convincing evidence to support an intentional ethics violation and, further, that you had acknowledged that your actions violated the Palm Beach County Code of Ethics. Upon making this finding, the COE issued a letter of reprimand to you. A copy of the Final Order is attached hereto and incorporated herein.

Your hearing before the City Commission has been scheduled for Tuesday, April 16, 2024 in the City Commission Chambers located at 100 N.W., 1st Avenue, Delray Beach. The hearing will be held at 5:00 p.m. or as soon thereafter as may be heard by the City Commission. You will have an opportunity to be heard and present to the Commission any evidence or testimony on your behalf. Should the Commission vote in favor of your removal, you can seek review of this action in the circuit court of Palm Beach County.

If you have any questions or concerns, please do not hesitate to contact me at 561-243-7090.

Sincerely,



Lynn Gelin, Esq.
City Attorney

Enclosure

cc: Mayor and City Commission
Terrence Moore, ICMA-CM
Laura Simon, Executive Director of the Downtown Development Authority
Katerri Johnson, City Clerk



Honesty - Integrity - Character

Palm Beach County Commission on Ethics

Commissioners

Kristin A. Vara-Garcia, Chair
Michael S. Kridel, Vice Chair
Rodney Romano
Peter L. Cruise

Executive Director

Christie Kelley

In Re: Richard Burgess

C23-031

Public Report and Final Order

Complainant, Mavis Benson, filed the above referenced complaint alleging a possible ethics violation involving Respondent, Richard Burgess, who had applied for, and was ultimately appointed to, the advisory board of the Delray Beach Downtown Development Authority (DDA). The information Respondent provided on his application is the subject of this complaint and investigation. The complaint alleges that Respondent falsified information on his DDA application in violation of §2-443(h), *Honesty in applications for positions*.

Pursuant to §2-258(a)¹ of the Palm Beach County Commission on Ethics Ordinance, the Palm Beach County Commission on Ethics is empowered to enforce the Palm Beach County Code of Ethics. Respondent stipulated to Probable Cause, and Respondent and Advocate submitted a Negotiated Settlement including a Letter of Reprimand to the COE for approval. Respondent stipulated to the facts and circumstances as contained in the Letter of Reprimand. According to the Negotiated Settlement and based on the facts as set forth in the Letter of Reprimand, Respondent admitted to violating Section 2-443(h) of the Palm Beach County Code of Ethics and agreed to accept a Letter of Reprimand. After listening to the statements by Advocate and the Respondent, the Commission accepted the conditions of the negotiated settlement.


Pursuant to Commission on Ethics Ordinance §2-260.1, *Public hearing procedures*, the Commission found that there was clear and convincing evidence contained within the record to support a finding that the violation was intentional, and that Respondent has acknowledged that his actions violated the Palm Beach County Code of Ethics.

Therefore it is:

ORDERED AND ADJUDGED this matter is concluded upon the issuance of a LETTER OF REPRIMAND.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in executive session on this 7th day of March, 2024.

By: _____


Kristin Vara-Garcia, Chair
Palm Beach County Commission on Ethics

¹ Section 2-258. Powers and duties. (a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the: (1) County Code of Ethics.