

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY

CASE NO: 502020CA012188XXXMB AF

GEORGE GRETSAS, in his official  
capacity as City Manager of the City  
of Delray Beach, Florida, a municipal  
corporation and political subdivision  
of the State of Florida,

Plaintiff,

v.

CITY OF DELRAY BEACH, FLORIDA,  
a Florida municipal corporation and political  
subdivision of the State of Florida, and  
SHELLY PETROLIA, in her official capacity  
as Mayor of the City of Delray Beach, Florida,  
ADAM FRANKEL, in his official capacity as a  
City Commissioner of the City of Delray Beach,  
Florida, RYAN BOYLSTON, in his official capacity  
as a City Commissioner for the City of Delray Beach,  
Florida, SHIRLEY JOHNSON, in her official capacity  
as a City Commissioner for the City of Delray Beach,  
Florida and JULI CASALE,<sup>1</sup> in her official capacity as a  
City Commissioner for the City of Delray Beach, Florida,

Defendants.

---

**DEFENDANTS' OMNIBUS RESPONSE TO VERIFIED EMERGENCY COMPLAINT  
(MOTION) FOR WRIT OF MANDAMUS AND TEMPORARY INJUNCTION AND  
MOTION TO DISMISS COUNT II FOR INJUNCTIVE RELIEF**

Defendants, CITY OF DELRAY BEACH, FLORIDA, a Florida municipal  
corporation and political subdivision of the State of Florida, and SHELLY PETROLIA, in  
her official capacity as Mayor of the City of Delray Beach, Florida, ADAM FRANKEL, in  
his official capacity as a City Commissioner of the City of Delray Beach, Florida, RYAN

---

<sup>1</sup> Plaintiff misidentifies City Commissioner Juli Casale.

BOYLSTON, in his official capacity as a City Commissioner for the City of Delray Beach, Florida, SHIRLEY JOHNSON, in her official capacity as a City Commissioner for the City of Delray Beach, Florida and JULI CASALE, in her official capacity as a City Commissioner for the City of Delray Beach, Florida, pursuant to this Court's Order dated November 12, 2020, submit this Omnibus Response to the Verified Emergency Complaint (Motion) for Writ of Mandamus and Temporary Injunction of Plaintiff, George Gretsas and pursuant to Fla. R. Civ. P. 1.410(b)(6) submit their Motion to Dismiss Count II for Injunctive Relief. In support, Defendants state:

### **INTRODUCTION**

This lawsuit constitutes Plaintiff's latest, last-ditch effort to delay the City's November 20, 2020 public hearing on his termination, following his June 2020 suspension for misconduct. Plaintiff's termination hearing was previously postponed for one month, after Plaintiff obtained new counsel just days before the prior scheduled hearing on October 23, 2020 and threatened to bring a nearly identical lawsuit if the City did not postpone. Despite the fact that Plaintiff has barraged the City with some 64 public records requests over the nearly five months since he was suspended, he waited until the eve of his termination hearing and now asks this Court for extraordinary relief. Plaintiff's motives are transparent and his suit without merit and in significant respect deliberately false. The City has diligently and fully complied with Plaintiff's public records requests so there is no ministerial act for this Court to mandamus. Plaintiff's effort to get this Court to enjoin the City's administrative processes, to which he contractually agreed, are frivolous and his claim for injunctive relief must also be dismissed. This Court should reserve jurisdiction to award Defendants their costs.

## FACTUAL BACKGROUND

1. On June 24, 2020, the City Commission voted to remove Plaintiff from his position as City Manager for misconduct pursuant to Paragraph 3.3 of his Employment Agreement and issued its Preliminary Notice of Intent to Terminate him. A copy of the Preliminary Notice of Intent to Terminate is attached as **Exhibit “1”**.

2. Section 3 of Plaintiff’s Employment Agreement governs termination and, in Section 3.1, outlines the administrative procedures that govern following the Commission’s vote to remove Plaintiff pursuant to Section 3.3:

(b) If the Commission votes to remove the Employee pursuant to Section 3.3 (misconduct as defined by Florida Statute) of this Agreement and the Employee makes the Demand, the City shall undertake an investigation .... Based on the City’s investigation, the City shall prepare the Written Charges, which shall be adopted by the Commission and presented to the Employee at a Special Meeting that shall be set at a time not less than 60 days after delivery of the Preliminary Notice. After the Commission adopts the Written Charges and presents them to the Employee, the Public Hearing shall be set at a time not less than 60 days after the Commission’s adoption of the Written Charges. **The Employee’s final removal and termination shall not take effect until the Public Hearing has been properly noticed and held** or until the 120th day following the City’s receipt of the Waiver Notice as applicable. (emphasis added).

A copy of Plaintiff’s Employment Agreement is attached as **Exhibit “2”**.

3. Plaintiff’s termination hearing was originally scheduled for October 23, 2020 and, as explained below, then postponed to November 20, 2020 at his counsel’s request.

4. On September 30, 2020, Plaintiff wrote the City offering to “cooperate as a witness with any agency conducting [an] investigation” into whether Mayor Petrolia had violated the City’s Charter. A copy of Plaintiff’s September 30, 2020 e-mail is attached as **Exhibit “3”**.

5. Plaintiff's counsel, Carmen Rodriguez, Esq., then wrote the City on October 14, 2020 asserting that his status as a self-described "essential witness" to the investigation provided a basis to conflict Mayor Petrolia out of voting on this termination. Attorney Rodriguez argued that Plaintiff's removal "would 'inure' to the Mayor's private gain as a witness against the mayor in the pending investigations" and therefore violated Florida's voting conflict statute in Section 112.3143(3)(a), Florida Statutes. A copy of Attorney Rodriguez's October 14, 2020 correspondence is attached as **Exhibit "4"**.

6. Mayor Petrolia requested an opinion from the State of Florida Commission on Ethics as to whether she would have a voting conflict and the Ethics Commission confirmed in writing that she would not. A copy of the November 6, 2020 correspondence from the Ethics Commission to Steven J. Zuilkowski is attached as **Exhibit "5."**

7. Since the City voted to remove him for misconduct in June 2020, Plaintiff has also barraged the City with 64 separate and wide-ranging public records requests. A log showing all of Plaintiff's requests is attached as **Exhibit "6"**.

8. The Complaint challenges one public records request made by Plaintiff in August 24, 2020 for certain private device communications. Compl. ¶¶ 13-16. That is the only request as to which Plaintiff alleges it sent the City a five-day notice under Fla. Stat. § 119.12 and the notice was sent prior to the City even completing the request and prior to the City's good faith discussions with Plaintiff's counsel and unanswered request that Plaintiff clarify what public records he believed were not provided. Compl. ¶ 14 & Ex. B. Because Exhibit A to the Complaint also references two additional records requests made by Plaintiff on September 20, 2020, as to which five-day notices have never been provided, they are addressed herein in an abundance of caution.

## A. The Private Devices Request and Production

1. On August 24, 2020, Plaintiff made the following public records request:

Please provide copies of all Public Records (text messages and emails) sent and/or received from the private devices of the Mayor, City Commissioners, the City Attorney and the City Auditor in 2019. (“the Private Devices Request). Compl. ¶ 13 & Ex. A.

2. The City never advised Plaintiff or his counsel that it had identified 10,000 public records responsive to the Private Devices Request. Instead, the City repeatedly clarified to Plaintiff and his counsel that it had to review thousands of records maintained on these private devices in order to identify which were public records of the City.

3. As Plaintiff admits, after Plaintiff inquired regarding the status of the Private Device request, the City informed him:

As you know, this request is voluminous. Due to the nature of the request and the fact that it spans an entire year of records for multiple individuals and media, **there are more than 10,000 records that have to be reviewed**. Accordingly, the City is making its best efforts to provide you with this information timely. Should you desire to narrow your request again, please advise.

Compl. Ex. A.

4. The City produced 3,139 pages of records in response to the Private Devices Request. Compl. Ex. A. Indeed, as to Mayor Petrolia’s communications alone, the City produced 1,983 pages of records. *See id.*

5. After the close of business on October 14, 2020, Plaintiff’s counsel e-mailed the City Attorney:

Lynn- I am writing to you again as to the outstanding public record request relating to text messages and emails from private devices. As you can see from the below, **we were told that there were about 10,000 responsive documents**. To date, we have received maybe 25% of that.

A copy of an e-mail chain between Attorney Rodriguez and the City Attorney is attached as **Exhibit “7”**.

6. The City Attorney responded immediately the next morning, October 15, 2020, to correct Attorney Rodriguez’s mischaracterization. Excerpting her earlier correspondence to Plaintiff, which had clearly advised Plaintiff that there were more than 10,000 records “to be reviewed,” the City Attorney further clarified:

**As you know, there is a difference between *reviewing* records and *releasing* records.** Only records that are deemed to be public records are released pursuant to Chapter 119. I’m not sure why you were under the impression that 10,000 records would be released but **I hope this clears things up** for you. See Exhibit “7.”

7. Less than three (3) business days before the Friday, October 23, 2020 termination hearing, on the evening of Tuesday, October 20, 2020, Plaintiff retained new counsel to represent him (Stuart Kaplan, Esq. and Thomas Ali, Esq.).

8. On the morning of Wednesday, October 21, 2020, after the City Attorney had promptly and professionally returned Attorney Ali’s call, Attorney Ali e-mailed her threatening to file an action for mandamus and temporary injunction “seeking to prevent” the October 23 vote on Plaintiff’s termination if the City did not agree to a 2-3 week postponement of the hearing. Without identifying any particular public records not received, Plaintiff’s counsel simply stated, “we would request a full response and production of the documents pursuant to Mr. Gretsas’s prior public records request directed to the City and City Commissioners.” A copy of an e-mail chain between Attorney Ali and the City Attorney is attached as **Exhibit “8”**.

9. The Commission met and voted to postpone Plaintiff's hearing to November 20, 2020. That decision was conditioned on Plaintiff's *agreement* that his suspension would be unpaid as of 5:00 p.m. on Friday, October 23, 2020. See Ex. 8.

10. In advising Attorney Ali that the hearing had been postponed, the City Attorney requested the following:

In addition, per our conversation, please provide me with the documents referenced below from your client's public records requests that he maintains are missing.

Attorney Ali responded: "We will be working on providing you the precise information Mr. Gretsas seeks from a Chapter 119 request or otherwise." Ex. 8.

11. On October 23, 2020, the City Attorney emailed Attorney Ali regarding the status of Plaintiff's public records requests. With regard to the Private Devices Request, the City Attorney requested clarification as to the records Plaintiff believed were missing from the City's voluminous response, as follows:

**As to R002653**, when you and I spoke on Wednesday, the discussion concerned your client's belief that there were additional records that were not provided. My understanding was that **you would speak to your client and provide clarification concerning the records Mr. Gretsas believes are missing**. Based on this clarification, an additional search would be conducted and, if additional records were located, those would be provided by the 2pm deadline on Monday. **I will await the clarification as I it is my opinion that a diligent search was already conducted and that responsive records were in fact produced pursuant to the request.**

A copy of the October 23, 2020 e-mail chain is attached as **Exhibit "9"** (emphasis added).

12. Neither Plaintiff nor his counsel ever clarified the public records that Plaintiff believes were not provided pursuant to the Private Devices Request.

**B. The Gelin Phone Logs Showing Calls with Mayor Petrolia (R002837-092020)**

13. On September 20, 2020, Plaintiff made the following request (R002837-092020) (“the Gelin Phone Log Request”):

Please provide me with all phone records **from Lynn Gelin’s public and private phones** that registered phone calls that Gelin **made to Mayor Petrolia’s** public and/or private phones and/or in which Gelin **received calls from Mayor Petrolia’s** public and/or private phones. Please ensure that the Mayor’s 561-703-3191 phone is included and Gelin’s 954 243 3110 phone is included in the record search in addition to any other phones they might have. Compl. Ex. A at 3 (emphasis added).

14. The City produced two pdf files comprising public records of Ms. Gelin’s office (Genesys) and personal phones in response to the Gelin Phone Log Request. To generate the requested records from her personal phone, Ms. Gelin had to generate some 72 screen shots after she was unable to print them from her AT&T account. While personal calls were redacted, every call with the Mayor was unredacted for Plaintiff’s reference. The date, time of day and duration of the call are plainly visible. Nevertheless, Ms. Gelin recognized the difficulty in viewing the personal phone records and, by an e-mail dated October 26, 2020, offered to also mail them to Plaintiff. A copy of the October 26, 2020 e-mail is attached as **Exhibit “10.”** Yet the printed records were not requested.

15. Plaintiff never served a five-day notice to the City pursuant to Fla. Stat. § 119.12 with regard to the Gelin Phone Log Request.

**C. The Alvarez Phone Records Request (R002838-092020)**

16. On September 20, 2020, Plaintiff made the following request:

Please provide me with all phone records related to any calls made or received from the public or private phones of Lynn Gelin, Mayor Petrolia, Julie Casale, and Shirley Johnson **to and from Jennifer Alvarez.** (“the Alvarez Phone Records Request). Compl. Ex. A at 3 (emphasis added).

17. Ms. Alvarez is the Interim City Manager. The City Attorney requested and obtained from Ms. Alvarez the records related to her calls with Mayor Petrolia and



Commissioners Julia Casale and Shirley Johnson. The City Attorney, Lynn Gelin, added the phone records of Ms. Gelin's own calls with Ms. Alvarez and all were produced to Plaintiff. The submissions from Ms. Alvarez and Ms. Gelin satisfied the entire request.

18. Plaintiff never advised the City that any records produced in response to the Alvarez Phone Records Request were illegible.

19. Plaintiff never served a five-day notice to the City pursuant to Fla. Stat. § 119.12 with regard to the Town Official Log Request.

**D. Plaintiff Received the Mayor's Text Messages in August**

20. In support of his claim for temporary injunctive relief, Plaintiff improperly suggests that Mayor Petrolia deleted her text message history with former Assistant City Manager, Suzanne Fisher. The claim is a red herring. While Mayor Petrolia did encounter a technical difficulty in responding to a request for text messages made by another requestor, she had already provided that text string to Plaintiff in response to a request made by him in August 2020.

21. On July 22, 2020, Plaintiff's counsel, Carmen Rodriguez, Esq., submitted a multi-part public records request that included a request for text messages between Mayor Petrolia and Ms. Fisher (R002476-072220), as follows:

All text messages from both public and private devices between Shelley Petrolia and Suzanne Fisher from November 1, 2019 to July 22, 2020. ("the Mayor's Text Message Request").

22. Plaintiff paid for the responsive public records on July 28, 2020. In response, the City uploaded the responsive public record text messages provided by Mayor Petrolia on August 12, 2020 and provided them to Plaintiff through his counsel, Attorney Rodriguez, on August 13, 2020.

23. Thereafter, on September 28, 2020, an individual named Elizabeth Olds (unaffiliated with Plaintiff) made a separate request for text messages between the Mayor and Ms. Fisher from November 1, 2019 to September 1, 2020 (R002900-092820). The request was sent to the Mayor's executive assistant, Delores Rangel, as is the City's practice.

24. Mayor Petrolia advised Ms. Rangel that she had technical difficulties downloading the requested text stream notwithstanding assistance from the City's IT staff:

I started working on it last week and somehow the entire text stream disappeared. I had my son download from the cloud yesterday but it didn't successfully download the text stream from Suzanne.

Joey from IT was just here (I'm in office) to try to retrieve the Fisher message stream but he too was unsuccessful.

Not sure what I can do. Maybe we can get it from Suzanne Fisher?

Still not giving up as there is a message on my phone indicating there is still some downloading taking place. Hoping maybe it will reappear!

A copy of the e-mail exchange between Mayor Petrolia and Ms. Rangel is attached as **Exhibit "11"**.

25. Ms. Rangel notified the City Attorney and her staff that the text messages were not available. In the meantime, the same records were requested on November 6, 2020 from Ms. Fisher, who is no longer employed by the City. Ms. Olds' records request remained open with the City.

26. On November 11, 2020, when reviewing the dozens of records request made by Plaintiff during his suspension, the City Attorney saw the text stream between the Mayor and Ms. Fisher that the Mayor had previously sent to Plaintiff in August in response to R002476. A copy of the e-mail from Dot Bast to Suzanne Fisher dated

November 6, 2020 is attached as Exhibit “12.” The response to Ms. Olds’ request was supplemented with those text messages on November 12, 2020.

## **LEGAL ARGUMENT**

### **A. Plaintiff is Not Entitled to the Extraordinary Writ of Mandamus (Count I)**

Plaintiff is not entitled to the extraordinary writ of mandamus. “A party petitioning for a writ of mandamus must establish a clear legal right to performance of the act requested, an indisputable legal duty, and no adequate remedy at law.” *Chandler v. City of Greenacres*, 140 So. 3d 1080, 1083 (Fla. 4<sup>th</sup> DCA 2014) (quoting *Smith v. State*, 696 So.2d 814, 815 (Fla. 2d DCA 1997)). Under Florida Rule of Civil Procedure 1.630(b), a petition for writ of mandamus must “contain the facts on which the plaintiff relies for relief, a request for the relief sought, and, if desired, argument in support of the petition with citations of authority.” *Id.* (quoting *Smith*, 696 S. 2d at 816). Plaintiff bears the burden to prove he is entitled to a writ, which is not awarded as a matter of right, but rather, in the exercise of sound judicial discretion and can be denied for “numerous and a variety of reasons, some of which may not be based upon the merits of the petition.” *Topps v. State*, 865 So. 2d 1253, 1257 (Fla. 2004).

As Plaintiffs’ own Complaint demonstrates, the City has fully performed its ministerial duties under Florida’s Public Records Act, Chapter 119, Fla. Stat. (“the Act”) by providing Plaintiff with responsive public records in its custody. There is nothing to compel and no basis for a writ to issue. See *City of Winter Garden v. Norflor Const. Corp.*, 396 So. 2d 865, 866 (Fla. 5<sup>th</sup> DCA 1981) (A writ of mandamus “should not be granted when it will achieve no beneficial result such as when the act sought to be compelled has been performed.”). The Act provides:

A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

Fla. Stat. 119.07(c). Here, the City requested and reviewed thousands of responsive records and searched agency records for responsive public records. Its responses to each of Plaintiff's challenged requests fully complied with the City's duties under the Act.

### 1. The Private Devices Request

For a private device communication to constitute a "public record" as defined under the Act, that record must have been "made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Fla. Stat. § 119.011(12). Thus, just as not "all e-mails transmitted or received by public employees of a government agency are public records pursuant to [the Act] by virtue of their placement on a government-owned computer system," *State v. City of Clearwater*, 863 So.2d 149, 151 (Fla. 2003), not all communications transmitted by public officials or employees using private devices are subject to disclosure under the Act. *O'Boyle v. Town of Gulf Stream*, 257 So. 3d 1036 (Fla. 4<sup>th</sup> DCA 2018).

The internal conflicts in Plaintiff's own Verified Complaint evidence his deliberate falsehoods in an attempt to cobble together a claim. In what appears to be a memorandum to his attorneys, attached as Exhibit A to the Complaint, Plaintiff concedes that "the City said that they were over 10,000 documents **that needed to be reviewed.**" Compl. Ex. A at 1 (emphasis added). Yet, his Verified Complaint falsely avers:

Simply put, and in summary, the Defendants have only produced approximately 3,100 pages of approximately **10,000 public records** that they have admitted exist.

This Court can disregard Plaintiff's conflicting allegations where the documents attached to his Complaint together with the City's averments make clear that the City never suggested it had 10,000 "public records" responsive to his Private Devices Request and Plaintiff fails to allege any facts suggesting that the City has not fully responded to him. Plaintiff's claim that the City had not produced text messages of the Mayor in response to Ms. Olds' separate public records request is a red herring, where the City had already provided him with those same text messages. Further, after producing records to Plaintiff in response to the Private Devices Request and after his new counsel appeared in late October, the City Attorney requested clarification as to any records Plaintiff believed had not been produced yet the Plaintiff refused. He should not be permitted to seek the extraordinary writ of mandamus under the circumstances.

## **2. The Gelin Phone Log Request**

Construing the Complaint most favorably to Plaintiff, he also appears to claim that the City failed to fully respond to the Gelin Phone Log Request because it only produced Ms. Gelin's phone logs. Compl. Ex. A at 3 ("So far I have only received Gelin's Records and one of the 2 files that were sent were not legible."). This claim lacks any merit. First, the request expressly sought "all phone records **from Lynn Gelin's** public and private **phones.**" That is precisely what the City provided, namely, two pdf files of Ms. Gelin's public and private phone logs showing any calls between her and the Mayor. Second, the claim that the files for Ms. Gelin's personal phone were not legible should be rejected where she went to great lengths to capture that data and where all of the pertinent information is viewable on the electronic records provided.

### **3. The Alvarez Phone Records Request**

Also construing the Complaint in the light most favorable, Plaintiff appears to claim that the City failed to fully respond to the Alvarez Phone Records Request because it “only provided [him] with the phone logs of Alvarez and Gelin.” Compl. Ex. A at 3. Again, Plaintiff claims the Gelin logs are illegible. *See id.*

The City has fully responded to the Alvarez Phone Records Request. Plaintiff sought “all phone records related to any calls ... **to and from Jennifer Alvarez**” and Mayor Petrolia, Commissioners Casale and Johnson, and City Attorney Gelin. The City went straight to the source, gathering Ms. Alvarez’s records for her City-issued and personal phones. When Ms. Alvarez expressed concern as to whether she had captured her private device communications with Ms. Gelin, Ms. Gelin accessed her own personal cellphone to download and print screenshots of all of her calls and highlighted those involving Ms. Alvarez for Plaintiff’s ease of reference. The date, time of day and amount of time on each call is readily viewable on Ms. Gelin’s records. The request did not seek records from any other device but simply the phone records showing Ms. Alvarez’s calls. All have been produced. Plaintiff has failed to even suggest that there is an official business call of the City that was requested, but not included in the records produced.

### **4. Plaintiff Failed to Exercise Available Adequate Legal Remedies**

Plaintiff had another adequate legal remedy that he chose not to utilize, instead waiting until the eve of his termination hearing to raise his purported public records challenges by mandamus in connection with his request for injunctive relief in an attempt to continue his termination hearing. An action pursuant to Chapter 119 was available to expeditiously remedy alleged violations of Florida's Public Records Act. Plaintiff long ago

could have invoked the provisions of Chapter 119 to expedite what he purportedly considered an improper delay or production of documents. His failure to do so belies his claims that the City failed in good faith to respond to his requests.

**5. Plaintiff is Not Entitled to Attorney's Fees; The Court Should Reserve Jurisdiction to Award the City its Fees.**

Plaintiff can never establish an entitlement to attorneys' fees under Fla. Stat. § 119.12. A public records plaintiff is not entitled to attorneys' fees unless it complies with the five-day cure provision in Section 119.12(1)(b), which requires "written notice identifying the public record request [be provided] to the agency's custodian of public records at least 5 business days before filing the civil action..." As to the Gelin Phone Log and the Alvarez Phone Records Request, Plaintiff does not allege (because he cannot) that he ever served the City with a five-day notice under Section 119.12. While Plaintiff served a five-day notice directed to the Private Device Request, he did so back on October 7, 2020, before that request was completed. Thereafter, the City Attorney advised Plaintiff's counsel that the City had fully complied and sought clarification to the extent that Plaintiff believed something had been omitted. Plaintiff failed to provide such clarification or to submit an amended five-day notice.

The City asks this Court to determine that Plaintiff brought his Public Records Act claims for an improper purpose, namely in an attempt to support injunctive relief postponing his termination hearing that he readily knows this Court cannot provide, and respectfully submits that it is the party entitled to recover its attorneys' fees for defending this action under Fla. Stat. 119.12(3)<sup>2</sup>.

---

<sup>2</sup> Section 119.12(3) provides:

The court shall determine whether the complainant requested to inspect or copy a public record or participated in the civil action for an improper purpose. If the court determines

**B. This Court Cannot Enjoin Plaintiff's Termination Hearing from Proceeding (Count II)**

In Count II, Plaintiff requests that this Court enjoin the City and its City Commissioners from conducting the November 20, 2020 quasi-judicial proceeding at which the City Commissioners will vote on Plaintiff's continued employment as City Manager. Plaintiff also claims that Mayor Petrolia is biased against him and requests that this Court require her to recuse herself from the hearing. Plaintiff's request, that this Court intervene in and direct the City's administrative processes, is improper under well-established Florida law. Indeed, it is clear that Plaintiff cannot satisfy the elements of injunctive relief as a matter of law, and Count II must be dismissed.

A temporary injunction is a "drastic and extraordinary remedy" that may be granted only if Plaintiff proves all four of the following elements: (1) that he will suffer "irreparable harm" unless the "status quo" is maintained; (2) that he has no adequate remedy at law; (3) that he has a substantial likelihood of success on the merits; and (4) that a temporary injunction will serve the public interest. *Wade v. Brown*, 928 So.2d 1260, 1261-62 (Fla. 4th DCA 2006). "Clear, definite, and unequivocally sufficient factual findings must support each of these four criteria before the court may enter an injunction." *Aerospace Welding, Inc. v. Southstream Exhaust and Welding, Inc.*, 824 So. 2d 226, 227 (Fla. 4th DCA 2002).

Here, Plaintiff has an adequate remedy at law by virtue of the administrative hearing process to which he contractually agreed and his right thereafter to raise any

---

there was an improper purpose, the court may not assess and award the reasonable costs of enforcement, including reasonable attorney fees, to the complainant, and shall assess and award against the complainant and to the agency the reasonable costs, including reasonable attorney fees, incurred by the agency in responding to the civil action. For purposes of this subsection, the term "improper purpose" means a request to inspect or copy a public record or to participate in the civil action primarily to cause a violation of this chapter or for a frivolous purpose.



challenges he may have to that process on certiorari review. It is well-settled under Florida law that quasi-judicial decisions of local governmental tribunals are reviewable only by certiorari. See e.g. *Broward County v. G.B.V. Int'l*, 787 So.2d 838 (Fla. 2001); *Dusseau v. Metropolitan Dade County Bd. Of County Com'rs*, 794 So.2d 1270 (Fla. 2001). Accordingly, the proper procedure is for the November 20 hearing to proceed and Plaintiff thereafter raise any challenges he deems appropriate by certiorari review.

Plaintiff would instead have this Court intervene in the City's administrative processes and improperly rule on Plaintiff's procedural challenges before the hearing has occurred. It is well settled that courts may not assume public employers will hold inadequate hearings, and, accordingly, courts may not intervene in administrative processes by injunction to require that certain procedures be followed. *City of Fernandina Beach v. Myers*, 661 So.2d 1262 (Fla. 1st DCA 1995).

The *Myers* case is on point. There, a hearing was set for the city commission to consider the proposed removal of Myers from his position as city manager. *Id.* at 1262. Prior to the hearing, Myers obtained a temporary injunction in the circuit court, enjoining the city from holding the scheduled hearing. *Id.* On appeal, the court reversed and quashed the injunction, holding that it was inappropriate for the circuit court to intervene in the administrative process by injunction. *Id.* Quoting *Duval County School Board v. Armstrong*, 336 So.2d 1219, 1220 (Fla. 1st DCA 1976), the court explained that "courts should not assume that administrative agencies will arbitrarily deny procedural remedies which are appropriate to a particular case" and any prejudice "must be determined in the concrete circumstances of the case after the Board has acted." *Id.*

Similarly, here, this Court may not intervene in the City's administrative processes by continuing the November 20, 2020 hearing, requiring the Mayor's disqualification or otherwise constraining those proceedings in advance in any way. Plaintiff has a clear and adequate remedy at law, which is to proceed with the hearing and raise any challenges afterwards on certiorari review.

Even if this Court were to address the substance of Plaintiff's challenges now, which it cannot, the claims of "bias" and "conflict of interest" that Plaintiff raises are insufficient to require recusal or otherwise invalidate the proceeding on due process grounds. Mayor Petrolia and the City Commissioners, as political officeholders, are not prevented from performing the duties they were elected to perform because "they previously expressed, publicly or otherwise, an opinion on the subject matter of their vote." *Izaak Walton League of America v. Monroe County*, 448 So.2d 1170 (Fla. 3d DCA 1984). Indeed, more than "political bias or an adverse political philosophy" is required to invalidate a quasi-judicial proceeding or to demonstrate grounds for disqualification. *Seminole Entertainment, Inc. v. City of Casselberry*, 811 So.2d 693, 696 (Fla. 5th DCA 2001).

If a conflict of interest were to arise, a commissioner would be required to disclose such interest as provided in §112.3143, Florida Statutes. Section 112.3143 further provides that: "No...municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss..." See §112.(3)(a), Fla. Stat. Disqualification is therefore only required if an elected official is called upon to vote on a matter that would inure to his or her private financial gain or loss. See e.g. *George v. City of Cocoa*, 78 F.3d 494, 496 (11th Cir. 1996) ("A 'special

private gain' described by the voting conflicts statute almost always (if not always) refers to the financial interest of the public official that is directly enhanced by the vote in question." ). Plaintiff therefore fails to establish a conflict of interest or set forth any basis for the recusal of any member of the City Commission.

Absent a conflict, each Commission member is required to vote at the upcoming hearing. §286.012, Florida Statutes provides, in relevant part:

No member of any...municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting...except when...or it appears to be, a possible conflict of interest....

Thus, Plaintiff's claims of bias and impropriety are entirely without merit.

### **CONCLUSION**

WHEREFORE, Defendants respectfully request this Honorable Court to render a Final Judgment dismissing with prejudice the Complaint, directing that Plaintiff, GEORGE GRETSAS, shall go hence without day on his alleged claims, and reserving jurisdiction to determine entitlement to recover a judgment awarding attorneys' fees and costs against Plaintiff pursuant to Fla. Stat. § 119.12(3), Fla. Stat. § 57.105(3)(d) and the Court's inherent powers.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the E-Filing Portal to all individuals on the attached Service List, this 13<sup>th</sup> day of November, 2020.

JONES FOSTER P.A.  
Attorney for Defendants  
505 South Flagler Drive  
Suite 1100  
West Palm Beach, Florida 33401  
561-659-3000  
561-650-5300 (facsimile)

By /s/ Joanne M. O'Connor  
**JOANNE M. O'CONNOR**  
**FLORIDA BAR NO: 498807**  
[joconnor@jonesfoster.com](mailto:joconnor@jonesfoster.com)

**GRETSAS v CITY OF DELRAY BEACH  
CASE NO: 502020CA012188XXXXMB AF**

<p>Stuart Kaplan, Esquire Thomas J. Ali, Esquire The Law Offices of Stuart N. Kaplan, PA PGA Financial Plaza 3399 PGA Boulevard, Suite 150 Palm Beach Gardens, FL 33410 <a href="mailto:skaplan@stuartnkapanpa.com">skaplan@stuartnkapanpa.com</a> <a href="mailto:rbailey@stuartnkapanpa.com">rbailey@stuartnkapanpa.com</a> <a href="mailto:tali@stuartnkapanpa.com">tali@stuartnkapanpa.com</a> <i>Counsel for Plaintiff</i></p> <p>Joanne M. O'Connor, Esquire Jones Foster P.A. 505 South Flagler Drive Suite 1100 West Palm Beach, Florida 33401 <a href="mailto:joconnor@jonesfoster.com">joconnor@jonesfoster.com</a> <i>Counsel for Defendants</i></p>	
---	--

1323400004/21H9338

# CITY OF DELRAY BEACH



Delray Beach  
Florida



1993•2001•2017

## PRELIMINARY NOTICE OF INTENT TO TERMINATE


NOTICE IS HEREBY GIVEN that the City Commission of the City of Delray Beach, Florida, on June 24, 2020, voted to remove the City Manager, George Gretsas (“Employee”), pursuant to Section 3.3 of his Employment Agreement dated October 8, 2019.

Employee is hereby suspended from office with pay pending final resolution of this matter.

DATED this 25<sup>th</sup> day of June 2020.

EX. 1

## EMPLOYMENT AGREEMENT

THIS AGREEMENT (this "Agreement") is made and entered into as of the  day of October, 2019 between the City of Delray Beach, Florida (the "City") and George Gretsas (hereinafter referred to as the "Employee"), pursuant to the following terms and conditions:

WHEREAS, the City desires to employ the services of Gretsas as City Manager and Gretsas wishes to accept this employment under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and the Employee agree to the following:

### SECTION 1. DUTIES

The City agrees to employ the services of Employee as City Manager, to perform the duties and exercise the powers as provided by State law, the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as assigned by the City Commission from time to time.

### SECTION 2. TERM

2.1 This Agreement shall have a term commencing on January 06, 2020 ("Effective Date"). Employee shall serve at the pleasure of the City Commission.

2.2 Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Commission to terminate the services of Employee at any time during a regular or special City Commission meeting, subject only to the provisions set forth in Section 3 of this Agreement.

### SECTION 3. TERMINATION OF AGREEMENT

3.1 In accordance with the Charter, Employee shall serve at the pleasure of the City Commission. Employee may be removed by the affirmative vote of no less than three (3) Commissioners, but such removal shall not take place within 90 days after any election at which any Commissioner is elected to office. If the Commission wishes to remove the Employee, it shall provide Employee with written notice of its intention to remove him, which specifies whether the Commission wishes to remove the Employee pursuant to Section 3.2 or Section 3.3 of this Agreement (the "Preliminary Notice"). Employee shall then have five business days from his receipt of the Preliminary Notice (the "Waiver Deadline") to submit in writing to the City Clerk either: (i) a demand (the "Demand") for written charges (the "Written Charges") and a public hearing before the City Commission (the "Public Hearing"); or (ii) a waiver of his right to Written Charges and a Public Hearing (the "Waiver Notice"). A failure by Employee to respond to the Preliminary Notice by the Waiver Deadline shall be treated as a Waiver Notice. At any time between issuance of the Preliminary Notice and the Employee's final termination as set forth below, the Commission may suspend the Employee from office with pay.

(a) If the Commission votes to remove the Employee pursuant to Section 3.2 of this Agreement and the Employee makes the Demand, the City shall provide the Written Charges to the Employee. After delivery of the Written Charges, the Public Hearing shall be set to address the Written Charges, which Public Hearing shall be set at a time not less than 60 days after delivery of the Written Charges. The Employee's final removal and termination shall not take effect until the Public Hearing has been properly noticed and held or until the 60th day following the City's receipt of the Waiver Notice as applicable.

(b) If the Commission votes to remove the Employee pursuant to Section 3.3 (misconduct as defined by Florida Statute) of this Agreement and the Employee makes the Demand, the City shall undertake an investigation concerning the Employee's alleged misconduct, during which the Employee shall be provided with an opportunity to meet with the City's investigator and provide his position concerning the Commission's alleged bases for terminating his employment pursuant to Section 3.3. Based on the City's investigation, the City shall prepare the Written Charges, which shall be adopted by the Commission and presented to the Employee at a Special Meeting that shall be set at a time not less than 60 days after delivery of the Preliminary Notice. After the Commission adopts the Written Charges and presents them to the Employee, the Public Hearing shall be set at a time not less than 60 days after the Commission's adoption of the Written Charges. The Employee's final removal and termination shall not take effect until the Public Hearing has been properly noticed and held or until the 120th day following the City's receipt of the Waiver Notice as applicable.

3.2 In the event the City Commission wishes to terminate Employee without cause, Employee shall receive a lump sum severance pay equal to 20 weeks of his regular base salary at the time of termination. Severance pay also includes the following for the applicable period of twenty weeks: automobile allowance, cellular telephone allowance, health insurance premium, or any other benefit or reimbursement (except that specifically set forth in this paragraph) beyond the date of his termination. All severance payments shall be paid to Employee in a lump sum upon his termination or within thirty (30) days thereafter at the City Commission's option.

3.3 Notwithstanding the provisions of Section 3.2, in the event Employee is terminated for misconduct, as defined in Section 443.036(29), Florida Statutes, the City shall have no obligation to pay Employee any severance pay. Misconduct includes, but is not limited to: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) gross insubordination; (iv) willful neglect of duty; or (v) adjudicated violation of the Florida Code of Ethics for Public Officers and Employees, the Palm Beach County Code of Ethics, the City Charter, or the City's Conflict of Interest Ordinance.

**3.4 The severance payment shall constitute stipulated and liquidated damages and the maximum amount of financial liability for which the City may be liable in the event of termination or breach of contract.**

3.5 In the event that Employee voluntarily resigns or retires during the term of this Agreement, Employee shall provide the City with 90 days' advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by Employee under this Section, Employee shall not be entitled to receive the severance package specified in



Section 3.2, but the City shall pay Employee for any accrued unused vacation and sick leave (if applicable) calculated at Employee's rate of pay in effect upon the date of resignation in accordance with City policy for non-union civilian employees.

3.6 In the event that Employee voluntarily resigns with less than 90 days' advance written notice, the City Commission may elect to terminate Employee immediately or allow Employee to continue to serve until the date specified in Employee's resignation. In the event of a resignation or termination under this paragraph, notwithstanding any other provisions of this Section, Employee shall not be entitled to receive either severance payment or vacation or sick leave unless the City Commission authorizes payment of same.

3.7 If Employee is unable to perform his duties as specified in Section 1 of this Agreement for a period of 30 consecutive days or 60 non-consecutive days during any one-year period for any reason other than an approved Family Medical Leave Act ("FMLA") absence, the City Commission may terminate this Agreement. If Employee takes FMLA-approved leave and exhausts his statutorily-protected, FMLA-approved leave in any one-year period, the City Commission may terminate this Agreement. In the event of the Employee's death, this Agreement shall be terminated. If this Agreement is terminated under this Section, Employee shall not be entitled to severance pay pursuant to Section 3.2 of this Agreement.

3.8 Unless otherwise specified in this Agreement, or required by law, upon termination of this Agreement, Employee or his beneficiary shall be entitled to receive payment of any accrued or unused sick or vacation leave in accordance with the terms of this Agreement, as may be amended from time to time.

#### **SECTION 4. COMPENSATION**

4.1 The annual salary of Employee shall be \$265,000.00 per year, which shall be payable in installments at the same time as other employees of the City are paid. The City and Employee mutually agree that there shall be no salary adjustments for a term of two years following the effective date of the Agreement.

4.2 The City Commission shall evaluate the performance of the Employee annually. Any enhancement in said annual salary and/or benefits shall be at the City Commission's sole discretion. In no event shall the City Commission exercise its discretion under this Section to reduce Employee's salary and/or benefits.

#### **SECTION 5. HOURS OF WORK**

The Employee agrees to remain in the exclusive employ of the City and shall not accept any other employment. The Employee further agrees to devote that amount of time and energy which is reasonably necessary for the Employee to faithfully perform his duties and responsibilities under this Agreement.

#### **SECTION 6. AUTOMOBILE ALLOWANCE PROVIDED**

The Employee's job duties and responsibilities require that he has the exclusive and unrestricted use of an automobile at all times during his employment with the City. As such and in lieu of mileage reimbursement for use of Employee's personal vehicle for City business, the City shall provide to the Employee a motor vehicle allowance of \$750.00 per month. This allowance is intended to reimburse Employee for all automobile expenses, including, but not limited to, lease or financing payments, accelerated depreciation, maintenance, parts, labor, tires, fuel, oil, insurance, and any other payments related thereto. The Employee shall be responsible for any employee payroll taxes imposed upon this vehicle allowance benefit in accordance with applicable law.

## **SECTION 7. RETIREMENT/DEFERRED COMPENSATION**

At Employee's direction, the City shall make contributions on Employee's behalf, totaling 18% of Employee's base salary, into a 401a retirement and/or a 457 deferred compensation plan of Employee's choosing. The Employee will not be required to make a contribution to either plan. Regardless of any selection Employee makes between a 401(a) or a 457 deferred compensation plan, the total contribution made by the City will not exceed 18% of Employee's base salary.

## **SECTION 8. INSURANCE**

8.1 In lieu of providing Employee with full family (i.e., wife and children) health insurance coverage at the City's expense, the City agrees to reimburse Employee for the cost of the health insurance coverage that he purchases from the City of White Plains, New York, payable in monthly installments in the amount of \$2,100.00.

8.2 The City agrees to provide Employee with a term life insurance policy (the "Life Insurance Policy") in an amount equal to two times Employee's Initial Salary with a minimum term of 30 years. The Life Insurance Policy shall provide that, upon the termination of Employee's City employment, ownership of the Life Insurance Policy may be transferred to Employee, provided Employee pays the premiums for such Policy accruing after the termination of his City employment. The Employee shall be responsible for all applicable taxes associated with the Life Insurance Policy in accordance with applicable law.

8.3 The City shall provide Employee with a long term disability policy as provided to other non-union civilian employees of the City at no cost to Employee.

## **SECTION 9. VACATION, SICK LEAVE, AND HOLIDAYS**

9.1 Employee shall automatically accrue and be credited with thirty (30) business days of annual leave per calendar-year on the Effective Date of his employment and annually thereafter. There shall be no cap on the maximum number of days of annual leave Employee may accrue.

9.2 Prior to such leave, Employee shall notify the Commission of who the Acting City Manager will be during that leave and how Employee may be reached while on leave in case of an emergency.

9.3 Employee shall automatically accrue and be credited with fifteen (15) business days of sick leave per calendar-year on the Effective Date of his employment and annually thereafter. There shall be no cap on the maximum number of days of sick leave Employee may accrue.

9.4 Employee shall be entitled to holidays in the same manner as other general employees of the City.

## **SECTION 10. PROFESSIONAL DEVELOPMENT**

10.1 Subject to City policy and state law, the City agrees to pay the reasonable professional dues and subscriptions of the Employee necessary for his continuation and participation as a member in national, regional, state and local professional associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

10.2 Subject to City policy and state law, the City agrees to pay the applicable travel and subsistence expenses of the Employee for travel to local, state and national conferences, short courses, institutes and seminars, as permitted by the annual budget.

10.3 The City shall pay the Employee's membership for professional organizations, including:

- (a) Membership in Florida Community/City Manager's Association;
- (b) Membership in ICMA; and
- (c) Membership in other entities as approved by the City Commission, with each membership being subject to annual City budget requirements.

## **SECTION 11. INDEMNIFICATION**

11.1 The City shall defend, hold harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the course and scope of Employee's performance of his duties as City Manager or resulting from the reasonable exercise of judgment or discretion in connection with the performance of his City duties or responsibilities, unless the act or omission involved willful or wanton conduct. The City's indemnification of Employee under this paragraph shall extend to any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings, including attorneys fees and any other liabilities incurred by, imposed upon, or suffered by Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the course and scope of performance of his duties.

11.2 Employee may request, and the City shall not unreasonably refuse to provide, independent legal representation at the City's expense if there is a conflict of interest between Employee's interests and the City's interests. Legal representation provided by the City for Employee shall extend until a final determination of the legal action, including any appeals brought by either party.

This paragraph shall not apply to litigation between the parties to this Agreement concerning an alleged breach of this Agreement.

11.3 Any settlement of any claim must be made with prior approval of the City Commission in order for indemnification, as provided in this Section, to be available. Employee recognizes that the City shall have the right to compromise such claims against it or against Employee in his official capacity, in its sole discretion, provided that the City notifies the Employee of its intention to compromise such claims prior to entering into such a compromise.

**SECTION 12. CELLULAR PHONE**

The City shall provide to the Employee a smart phone device with full phone and e-mail capabilities (the “Smart Phone”). The City shall be solely responsible for the cost of the Smart Phone and all monthly charges associated with Employee’s regular business use of the Smart Phone.

**SECTION 13. NOTICE**

Notices pursuant to this Agreement shall be given by certified mail, return receipt requested, through United States Postal Service delivery, addressed as follows:

City : Mayor  
City of Delray Beach  
100 N.W. 1<sup>st</sup> Avenue  
Delray Beach, Florida 33444

Employee: George Gretsas  
1801 Marietta Drive  
Fort Lauderdale, FL33316

With a copy: City Attorney  
City of Delray Beach  
200 N.W. 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

**SECTION 14. WAIVER OF JURY TRIAL**

BOTH THE CITY AND EMPLOYEE KNOWINGLY, VOLUNTARILY, AND IRREVOCABLY WAIVE THEIR RIGHT TO A TRIAL BY JURY IN ANY CIVIL PROCEEDINGS THAT MAY BE INITIATED BY EITHER PARTY WITH RESPECT TO ANY TERM OR CONDITION OF THIS AGREEMENT.

**SECTION 15. OTHER TERMS AND CONDITIONS**

15.1 If any provision, or any portion thereof contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

15.2 The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

15.3 This Agreement contains the entire agreement of the parties. It may not be changed orally, but only by an amendment in writing signed by the parties hereto.

15.4 This Agreement shall be governed by Florida law, and any litigation which may arise from this Agreement shall be filed and litigated in Palm Beach County, Florida.

15.5 Any calculations or computations required herein shall be made by the City Finance Director, subject to verification by the City Attorney.

15.6 On any matter which is not covered or addressed by this Agreement, the general City personnel policies, as amended from time to time, and is applicable, shall be applied herein by the City Commission.

[Remainder of Page Intentionally Left Blank]



IN WITNESS WHEREOF, the City, by signature of the Mayor as authorized by the City Commission, has executed this Agreement the day and year first above written.

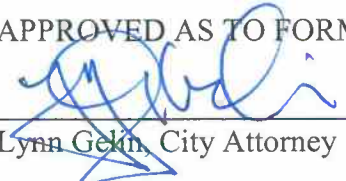
**CITY OF DELRAY BEACH**

By:   
Shelly Petrolia, Mayor


ATTEST:

  
Katerri Johnson, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
Lynn Gelin, City Attorney

**CITY MANAGER**

  
George Gretsas

**From:** [Johnson, Shirley](#)  
**To:** [Gelin, Lynn](#); [Davidyan, Julia](#)  
**Subject:** Fw: Petrolia Investigation  
**Date:** Wednesday, September 30, 2020 6:33:03 AM

---

FYI.

Regards,  
Shirley E. Johnson  
Commissioner, Seat 4

" PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

PLEASE NOTE: Pursuant to Florida's Government in the Sunshine Act (a.k.a. "Sunshine Law"), e-mails containing city business should be directed to either: all City Commissioners or only 1 City Commissioner at a time and should not include prior responses from other Commissioners in order to avoid the perception that a third party is acting as a liaison between Commissioners. "

---

**From:** Ggretsas@gmail.com <ggretsas@gmail.com>  
**Sent:** Wednesday, September 30, 2020 1:29 AM  
**To:** Boylston, Ryan <boylston@mydelraybeach.com>; Frankel, Adam <frankel@mydelraybeach.com>; Johnson, Shirley <johnsons@mydelraybeach.com>; Casale, Juli <Casale@mydelraybeach.com>  
**Cc:** Inspector <inspector@pbcgov.org>; ethics@palmbeachcountyethics.com <ethics@palmbeachcountyethics.com>; stateattorney@sa15.org <stateattorney@sa15.org>; Jean Ariola <JAriola@pbcgov.org>  
**Subject:** Petrolia Investigation

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Commissioners

At the September 22, 2020 meeting of the Delray Beach City Commission, the City Commission authorized an investigation into potential charter violations by Mayor Shelly Petrolia for improperly directing City employees. Because it was unclear as to which outside agency will be conducting the investigation, I am writing to you directly. I am willing to cooperate as a witness with any agency that will be conducting the investigation and have sent a copy of this letter to the Palm Beach County State Attorney, the Palm Beach County Inspector General, and the Palm Beach County Commission on Ethics.

In addition to the issues that you are already looking into, there is more evidence that should be considered in your investigation relating to Mayor Petrolia's apparent misuse of her authority. I was not aware of her motives on the following issue until after you initiated your investigation of her alleged misconduct last week. I began to research documents that she submitted to my office on May 6, 2020 and have discovered things that are alarming. Below are the facts:

On January 6, 2020 at 3pm, I met with Mayor Petrolia in my office at City Hall for our "Day One" meeting. I named it the "Day One" meeting in my notes because it literally was my first day on the job as Delray Beach City Manager and it was my first meeting with Mayor Petrolia as Delray Beach City Manager. At this meeting, Mayor Petrolia began reciting a list of issues that she wanted me to address as the new City Manager. The very first issue on her list of directives was that she wanted me to meet with the Palm Beach County Property Appraiser, Dorothy Jacks, and make a case to her that certain properties in the City were under valued and needed to be adjusted upward so that the property owners would pay more in property taxes. She claimed that her motive was to help bring in more revenue for the City.

On January 30, 2020, Mayor Petrolia sent me a text message while I was at a Chamber of Commerce luncheon and asked me to join her for a few minutes to meet her and Dorothy Jacks, as both of them were also attending the luncheon. Toward the end of the luncheon, the Mayor introduced me to Ms. Jacks and told her that I would be paying her a visit at some point about property assessments.

On February 10, 2020, during a meeting with Mayor Petrolia in my office at City Hall, the Mayor once again mentioned that there were properties in the City that were not paying their fair share of property taxes and she mentioned that she would be providing me with a list of properties that needed to be addressed. At this meeting, I mentioned to her that if she had this concern, it might be a better idea if the City hired a consultant that would look at her property valuation concerns from a more wholistic approach and provide the City with advice on a system wide solution before I met with the Property Appraiser. I suggested this because I had never heard of a City singling out specific properties before and thought this alternative idea would both satisfy her concerns and bring the issue to the City Commission for consideration before initiating any action.

On March 9, 2020, during a meeting with Mayor Petrolia in my office at City Hall, the Mayor once again raised the issue of undervalued parcels and said that she would be providing me with a list of properties that she felt were under assessed and that weren't paying their fair share of property taxes.

On numerous occasions after the March 9, 2020 meeting, Mayor Petrolia continued to mention this issue. On each occasion, I told her that staff was looking for a consultant that could look at the issue from a city-wide perspective and that I had assigned Assistant City Manager Allyson Love with the task of finding a consultant who I could bring to the Commission for approval. Despite presenting this strategy to her, she continued to tell me that she was working on a list of properties and that she would be dropping it off at my office.

On May 6, 2020, Mayor Petrolia dropped off a stack of property records to my office with handwritten notes from her on issues that she had identified about the properties that needed to be addressed by the Property Appraiser. There were a total of 29 property addresses in the stack.

Out of a total of 32,847 taxable properties in the City of Delray Beach, Mayor Petrolia identified only 29 properties that she felt were under appraised. And of those that she identified, the vast majority of them were properties in which either:

1. the owner/developer of the property gave her political opponent campaign contributions instead of her own campaign, and/or
2. the land use attorney/lobbyist for the developer of the property raised campaign contributions for her opponent's campaign instead of her own campaign, and/or
3. the owner of the property was a developer who was building projects that she was vocally opposed to.

In some cases, she also included properties associated with individuals who supported Commissioners Johnson and Bathhurst in this past 2020 City Commission election for tax increases as well.

As mentioned above, I am willing to cooperate as a witness in your investigation of Mayor Petrolia and to provide supporting documents. Feel free to contact me if you have any further questions. I did not include the Mayor on this email since it may be included as part of the investigation of her conduct.

Sincerely,

George Gretsas  
954 649 6464



LAW OFFICES OF  
***Carmen Rodriguez, P.A.***  
PALMETTO BAY CENTRE  
15715 SOUTH DIXIE HIGHWAY, SUITE 411  
PALMETTO BAY, FLORIDA 33157-1884  
TELEPHONE: (305) 254-6101 FACSIMILE: (305) 254-6048  
BROWARD LINE: (954) 578-0940  
EMAIL: [CRPA@CRLABORLAWFIRM.COM](mailto:CRPA@CRLABORLAWFIRM.COM)  
[WWW.CRLABORLAWFIRM.COM](http://WWW.CRLABORLAWFIRM.COM)

**Carmen Rodriguez**  
**Caroline Sand**

Florida Registered Paralegal  
Kim Rivera

October 14, 2020  
(*via email*)

Lynn Gelin, Esq.  
Office of the City Attorney  
City of Delray Beach  
100 NW 1<sup>st</sup> Ave.  
Delray Beach, FL 33444

**Re: George Gretsas**

Dear Lynn:

At the September 22, 2020 meeting of the Delray Beach City Commission, the Commission voted to investigate Mayor Petrolia for violations of the Charter of the City of Delray Beach. These charter violations under investigation include improper directives to staff, including to George Gretsas while in his capacity as City Manager and to Acting City Manager Jennifer Alvarez. Clearly, both Mr. Gretsas and Ms. Alvarez are essential witnesses to this investigation that is being conducted at the specific direction of the City Commission. Also, Mr. Gretsas is an essential witness in an inquiry of the Palm Beach County Office of Inspector General and the Palm Beach County Ethics Commission.

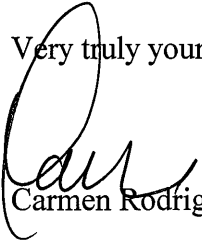
We are writing to state what should be the obvious. It is clear under Florida Law that the Mayor has a statutory conflict of interest in the matter relating to the removal of George Gretsas from the position of City Manager, the vote on which is expected to be held at the Commission meeting to be held on October 23, 2020. Chapter 112, Florida State Statutes, provides:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the

special private gain or loss of a relative or business associate of the public officer.

It is clear that the removal of Mr. Gretsas from City employment would “inure” to the Mayor’s private gain as a witness against the Mayor in the pending investigations. It is incumbent on you as City Attorney to protect the interests of the City and ensure that the vote relating to Mr. Gretsas is not allowed to proceed in violation of Florida Statutes. As a matter of law, Mayor Petrolia should not and cannot vote in Mr. Gretsas’s removal hearing and she should be advised accordingly as a matter of law.

Very truly yours,



Carmen Rodriguez

Daniel Brady, Ph.D.

*Chair*

Michelle Anchors

Antonio Carvajal

Don Gaetz

Glenton "Glen" Gilzean, Jr.

John Grant

JoAnne Leznoff

William "Willie" N. Meggs

Kimberly Bonder Rezanka



State of Florida  
COMMISSION ON ETHICS  
P.O. Drawer 15709  
Tallahassee, Florida 32317-5709

325 John Knox Road  
Building E, Suite 200  
Tallahassee, Florida 32303

C. Christopher Anderson, III

*Executive Director/  
General Counsel*

Kerrie J. Stillman

*Deputy Executive Director*

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

*"A Public Office is a Public Trust"*

---

November 6, 2020

Mayor Shelly Petrolia  
City of Delray Beach  
100 N.W. 1st Avenue  
Delray Beach, FL 33444  
petrolia@mydelraybeach.com

**BY EMAIL**

Dear Mayor Petrolia:

I write this letter in response to your recent written ethics inquiry and to confirm direction I have provided you and City Attorney Lynn Gelin on the telephone. Both on the telephone and in your letter, you state that the City Commission of the City of Delray Beach has voted to hold a public hearing to consider discharging City Manager George Gretsas on November 20, 2020. According to an October 14, 2020 letter from Mr. Gretsas's attorney to Ms. Gelin, the City voted on September 22, 2020, to investigate allegations that you violated the Charter of the City of Delray Beach. On the telephone, you informed me that this investigation was set in motion due to a complaint filed by Mr. Gretsas. Mr. Gretsas's attorney, citing to Florida's voting conflicts statute found at Section 112.3143(3)(a), Florida Statutes, has argued that you would have a voting conflict concerning the upcoming vote on the discharge of Mr. Gretsas. In her letter to Ms. Gelin, Mr. Gretsas's attorney wrote, "It is clear that the removal of Mr. Gretsas from City employment would 'inure' to the Mayor's private gain as a witness against the mayor in the pending investigations." When we spoke on the telephone, you stated that none of your relatives, principals by whom you might be retained, or business associates would experience any economic benefit from discharging or retaining Mr. Gretsas. You ask whether you would have a voting conflict if you voted to discharge or retain Mr. Gretsas.

Relevant to your inquiry, Section 112.2143(3)(a) states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to

EX. 5

the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

The term "principal by whom retained" is defined in Section 112.3143(1)(a), Florida Statutes, as:

an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

The term "special private gain or loss" is defined in Section 112.3143(1)(d), Florida Statutes, in part, as, "an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal[.]" See also CEO 16-2, Question 4.

Thus, Section 112.3143(3)(a) prohibits a local public officer from voting on any matter that will inure to his or her economic benefit or harm or that would inure to the economic benefit or harm of a principal by whom he or she is retained, to that of a relative, or to that of a business associate. One is only retained by a principal when, as the definition requires, the principal directs one's conduct in exchange for compensation or other consideration.

As the Mayor of the City of Delray Beach, which is a position with a vote on the City Commission, you are subject to the requirements of Section 112.3143(3)(a). It is difficult, however, to see how a vote to discharge the City Manager would create any economic benefit or harm for you or for your relatives, principals, or business associates. Because there would be no economic benefit or harm to you or your relatives, principals, or business associates, you will not have a voting conflict under Section 112.3143(3)(a) if you vote on the discharge of Mr. Gretsas.

Section 286.012, Florida Statutes, provides that, even in the absence of a voting conflict, you can, at your discretion, abstain from a vote in a quasi-judicial context "if the abstention is to assure a fair proceeding free from potential bias or prejudice." Exercise of an abstention on this basis is discretionary.

In conclusion, you apparently will not have a voting conflict if you vote to discharge or retain Mr. Gretsas because such a vote will not inure to your economic benefit or harm or to the

Mayor Shelly Petrolia

November 6, 2020

Page 3

economic benefit or harm of your relatives, principals, or business associates. You can abstain from the vote if you wish, per Section 286.012, but such an abstention is not required.

The guidance provided in this letter is limited to the facts that have been provided. If there are additional material facts, or if I have misstated them in this letter, please contact me again. If you have any other questions about the guidance contained in this letter, please send me an email at [zuilkowski.steven@leg.state.fl.us](mailto:zuilkowski.steven@leg.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Zuilkowski', written over the printed name.

Steven J. Zuilkowski  
Attorney

Reference No:

Keyword(s):

Status:

Request Type:

Priority:

Open/Closed:

Assigned Dept:

Assigned Staff:

Customer Email:

Customer Name:

Search Add Criteria

Page 1 of 3 | Displaying records 1 to 25 of 64

Reference No	Request Info	Create Date	Request Status	Assigned Dept	Assigned Staff	Customer Full Name	Company Name	Public Record Desired	Required Completion Date
<input checked="" type="checkbox"/> <a href="#">R003013-100920</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 0/0	10/9/2020 3:36 PM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with a copy of Lynn Gelin's 14 day research trail on Westlaw. Thanks	10/20/2020 8:00 AM
<input checked="" type="checkbox"/> <a href="#">R003007-100920</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 4/4 <input type="checkbox"/> 0/0	10/9/2020 12:52 AM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all invoices for Trello for all of 2019 and 2020.	10/20/2020 8:00 AM
<input checked="" type="checkbox"/> <a href="#">R002986-100720</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 1/1	10/7/2020 3:32 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin for October 1 and 2, 2020	10/16/2020 9:00 AM
<input checked="" type="checkbox"/> <a href="#">R002985-100720</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 1/1	10/7/2020 3:31 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Hassan Hadjimiry for October 1 and 2, 2020	10/16/2020 9:00 AM
<input checked="" type="checkbox"/> <a href="#">R002983-100720</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 0/1	10/7/2020 3:15 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Julia Davidyayn for October 7, 2020	10/16/2020 9:00 AM
<input checked="" type="checkbox"/> <a href="#">R002982-100720</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 1/1	10/7/2020 3:13 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin for October 7, 2020	10/16/2020 9:00 AM
<input checked="" type="checkbox"/> <a href="#">R002958-100420</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 3/3 <input type="checkbox"/> 1/1	10/4/2020 5:02 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from William Bennett related to reclaimed water from Jan 1, 2018 through June 30, 2020. Thanks	10/14/2020 9:00 AM
<input checked="" type="checkbox"/> <a href="#">R002955-100320</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 1/1	10/3/2020 12:11 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails between Suzanne Fisher and Dot Bast. Thanks	10/14/2020 9:00 AM

<input checked="" type="checkbox"/>	<a href="#">R002952-100220</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 5/5 <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 0/0	10/2/2020 2:28 PM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all of the City Auditor's timesheets and invoices between 9/2/20 to present. Thanks	10/13/2020 8:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002942-100220</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3 <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1/1	10/2/2020 11:22 AM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails and texts messages public and private between Shelly Petrolia and Ken McNamee in 2013	10/13/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002936-100120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 0/0	10/1/2020 10:31 PM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with any documents that provide evidence that Lynn Gelin is familiar with the Pal Beach County and Florida ethics laws.	10/12/2020 1:01 PM
<input checked="" type="checkbox"/>	<a href="#">R002935-100120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1/1	10/1/2020 10:26 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin on September 30 and October 1, 2020. Thanks	10/12/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002925-093020</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 0/1	9/30/2020 11:51 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin related to the firm of Baxter and Woodman	10/12/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002924-093020</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 0/0	9/30/2020 11:49 PM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin related to Matthews Engineering.	10/12/2020 8:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002923-093020</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3 <input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 0/0	9/30/2020 11:46 PM	Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with a copy of Lynn Gelin's signed oath of office.	10/12/2020 8:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002922-093020</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1/1	9/30/2020 11:45 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails to and from Lynn Gelin related to Lanzo Construction. Please include any email that has the word Lanzo in it. Thanks	10/30/2020 3:00 PM

<input checked="" type="checkbox"/>	<a href="#">R002838-092020</a>	0    5/5    1/1	9/20/2020 12:40 AM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all phone records related to any calls made or received from the public or private phones of Lynn Gelin, Mayor Petrolia, Julie Casale, and Shirley Johnson to and from Jennifer Alvarez.	9/30/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002837-092020</a>	0    5/5    1/1	9/20/2020 12:33 AM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all phone records from Lynn Gelin's public and private phones that registered phone calls that Gelin made to Mayor Petrolia's public and/or private phones and/or in which Gelin received calls from Mayor Petrolia's public and/or private phones. Please ensure that the Mayor's 561-703-3191 phone is included and Gelin's 954 243 3110 phone is included in the record search in addition to any other phones they might have used to communicate.	9/30/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002836-092020</a>	0    4/4    0/1	9/20/2020 12:23 AM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all Documents related to complaints and/or requests for service received by the IT department related to WIFI service at any location in City Hall including any help desk logs related to WIFI issues.	9/30/2020 9:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002835-092020</a>	0    4/4    0/0	9/20/2020 12:18 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all documents related to the City's planned Public WIFI project as referenced on page 15 of the sciens IT Assessment report including all communications with SCIENS consultants related to the "public WIFI project".	9/30/2020 8:00 AM



<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <a href="#">R002834-092020</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1/1	9/20/2020 12:13 AM		City Attorney	Don Moaratty	George Gretsas		Please provide me with a copy of all emails to and from Jessica Cusson related to WiFi. Please include any emails that contain the term WiFi in them.	9/30/2020 9:00 AM
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <a href="#">R002832-091920</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 0/0	9/19/2020 1:31 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with a copy of all job postings for the Director of Public Works position during the 2019 search conducted by Ralph Anderson and Associates including the minimum requirements for the position and the list of all candidates that submitted resumes for the position and a copy of all job postings for the Director of Public Works position during the 2020 search conducted by Ralph Anderson and Associates. I don't need the list of candidates for the 2020 search, just the 2019 search. Thanks	9/30/2020 8:00 AM
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <a href="#">R002831-091820</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 0/0	9/18/2020 10:11 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with a copy of all photos taken at the December 14, 2018 Employee holiday party, a copy of the contract and invoice for the DJ who was hired to perform at the party, and a copy of the invitation. Thanks	9/30/2020 8:00 AM

<input checked="" type="checkbox"/>	<a href="#">R002825-091820</a>	<input checked="" type="checkbox"/> 0  2/2  0/0	9/18/2020 12:28 AM	Received	City Clerk	Don Moaratty	George Gretsas	Please provide me with any Westlaw account records that indicate the names of the individuals who currently have passwords to the service, the names of the individuals who had passwords to the service on December 1, 2019, and the name of the person who signed up for the service and the date of when the service was started. Also, I would like a printout of Lynn Gelin's Westlaw search history for April - July 2018. Thanks	9/29/2020 8:00 AM
<input checked="" type="checkbox"/>	<a href="#">R002814-091620</a>	<input checked="" type="checkbox"/> 0  2/2  0/0	9/16/2020 10:54 PM	Received	City Clerk	Don Moaratty	George Gretsas	Please provide me with a copy of all records related to the Jonathan Gomez invasion of privacy case. Thanks	9/28/2020 8:00 AM

Reference No:

Keyword(s):

Status:

Request Type:

Priority:

Open/Closed:

Assigned Dept:

Assigned Staff:

Customer Email:

Customer Name:

Search Add Criteria

Page 2 of 3 Displaying records 26 to 50 of 64

Reference No	Request Info	Create Date	Request Status	Assigned Dept	Assigned Staff	Customer Full Name	Company Name	Public Record Desired	Required Completion Date
<input type="checkbox"/> <a href="#">R002807-091620</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 0/0	9/16/2020 1:35 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with the latest bills for Westlaw, LexisNexis, Accurint, and/or any other web based subscriptions currently being used by the City Attorney's office.	9/24/2020 4:48 PM
<input type="checkbox"/> <a href="#">R002806-091620</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1/1	9/16/2020 1:27 PM		City Attorney	Don Moaratty	George Gretsas		Please provide me with all emails between Shelly Petrolia and Suzanne Fisher for all of 2016	9/25/2020 9:00 AM
<input type="checkbox"/> <a href="#">R002805-091620</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 2/1	9/16/2020 1:24 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with any records related to the hiring of Jason King and Josh Padgett that were not uploaded to Basecamp including any emails to or from Duane D'Andrea related to either of the hirings. Please ensure that you include any documents and emails related to this topic in the possession of the City Auditor and or created by the City Auditor.	9/25/2020 9:00 AM
<input type="checkbox"/> <a href="#">R002804-091620</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 1/0	9/16/2020 1:13 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all records that identify which departments the current inventory of city owned tablets are assigned and which employee each is assigned to.	9/25/2020 8:00 AM

<input type="checkbox"/>	<a href="#">R002801-091620</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 10/10	<input checked="" type="checkbox"/> 8	<input checked="" type="checkbox"/> 1/1	9/16/2020 11:44 AM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with all records related to the purchase of equipment for what Lynn Gein calls the television studio at the arts garage as referenced in the written charges against me. This should include all staff emails, purchase orders, payment records, list of equipment, spreadsheets, and anything else that documented the process of purchasing the equipment. Also, please include any documents from the City Auditor and City Attorney related to this topic.	9/25/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002800-091620</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 4/4	<input checked="" type="checkbox"/> 0	<input type="checkbox"/> 0/0	9/16/2020 11:01 AM	Withdrawn	City Clerk	Don Moaratty	George Gretsas		Please provide me with all records that identify which departments the current inventory of city owned tablets are assigned and which employee each is assigned to.	9/25/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002799-091620</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 4/4	<input checked="" type="checkbox"/> 0	<input type="checkbox"/> 0/0	9/16/2020 10:57 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with a list of the current inventory of city owned cell phones.	9/25/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002766-091020</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 2/2	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1/1	9/10/2020 5:54 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me a copy of all records sent from the City attorney and received from the City Attorney related to John Bullard.	9/22/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002754-090920</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 6/6	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 0/1	9/9/2020 2:52 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with the names of each consultant that did work in the City IT Department on behalf of the following companies that were contracted by the City and any document that evidences that the City conducted a background check on each of them including fingerprints on each of them. The companies are Altumatec , Interdev , Safe Data Services, and Sciens Consulting.	9/18/2020 9:00 AM

<input type="checkbox"/>	<a href="#">R002742-090820</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 5/5	<input checked="" type="checkbox"/> 0/0	9/8/2020 10:11 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me a copy of all bills that the City received (all departments) from Comcast during the months of January and February of 2020.	9/17/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002741-090820</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 4/4	<input checked="" type="checkbox"/> 0/0	9/8/2020 10:03 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with the most current inventory of all city owned tablets.	9/17/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002739-090720</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 6/6	<input checked="" type="checkbox"/> 1/1	9/7/2020 10:59 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with copies of all records uploaded onto Basecamp by Duane D'Andrea as well as any emails related to the hiring of Jason King and Josh Padgett. Thanks	9/17/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002738-090720</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 4/4	<input checked="" type="checkbox"/> 1/1	9/7/2020 10:40 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas		Please provide me with a copy of the audio recordings of interviews conducted by Allen Norton & Blue In the Neal DeJesus sexual harassment investigation: Gina Carter, Lynn Gelin, Missie Barletto, Suzanne Fisher, Jennifer Alvarez, and Anthea Gianniotis	9/17/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002730-090420</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 1/1	<input checked="" type="checkbox"/> 0/0	9/4/2020 9:40 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with a copy of Lynn Gelin's calendar for March 22, 2019. Thanks	9/16/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002724-090320</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 2/2	<input checked="" type="checkbox"/> 1/1	9/3/2020 3:55 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all emails sent or received by Mayor Petrolia in 2019 related to the City's reclaimed water program. Thanks	9/15/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002723-090320</a>	<input checked="" type="checkbox"/> 0	<input checked="" type="checkbox"/> 6/6	<input checked="" type="checkbox"/> 0/0	9/3/2020 3:48 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all of the City Auditor's timesheets and invoices for all of 2020. Thanks	9/15/2020 8:00 AM

<input type="checkbox"/>	<p> <input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3 <input type="checkbox"/> 1 <input type="checkbox"/> 0/0         </p>	<p>9/3/2020 2:45 PM</p>	<p>Received</p>	<p>City Clerk</p>	<p>Don Moaratty</p>	<p>George Gretsas</p>	<p>Below is an excerpt of an email related to requests received from the City by customers requesting to opt out of the City's reclaimed water program. Please provide me a copy of all records related to those requests. Thanks. From: Gardner-Young, Caryn Sent: Tuesday, April 30, 2019 8:20 AM To: ICM-deJesus, Neal Subject: Reclaim Water Use Neal: We have received several requests from property owners who no longer want to be connected to the City's reclaimed water system. (Primarily on the island)</p>	<p>9/15/2020 8:00 AM</p>
<input type="checkbox"/>	<p> <input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3 <input type="checkbox"/> 1 <input type="checkbox"/> 0/0         </p>	<p>9/3/2020 12:11 PM</p>	<p>Received</p>	<p>City Clerk</p>	<p>Don Moaratty</p>	<p>George Gretsas</p>	<p>Below is an email referencing a PowerPoint on reclaimed water. Please provide me with a copy of any and all PowerPoint presentations related to reclaimed water in 2019 including the once referenced in the email below. Thanks From: To: Subject: Date: Gardner-Young, Caryn Gellin, Lynn RE: Reclaimed Water-717 Monday, June 17, 2019 5:35:30 PM Lynn: I have Utilities creating a PowerPoint that I hope to have in about a week. Staff will meet to discuss to discuss the PowerPoint and then we will present to ICM (can include you). Until that is done, I am not comfortable in taking any action. Not sure that we will make August but we can try. Caryn Gardner-Young, ICMA-CM. Assistant City Manager ' 561-243-7000 * gyoung@mydelraybeach.com 100 N.W. 1st Avenue, Delray Beach, Florida</p>	<p>9/15/2020 8:00 AM</p>

<input type="checkbox"/>	<a href="#">R0022709-090120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 5/5 <input checked="" type="checkbox"/> 11 <input type="checkbox"/> 0/0	9/1/2020 11:22 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with copies of all Payroll Hours Register Reports for the City Manager's Department for each pay period from February 1, 2020 to July 1, 2020	9/14/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R0022708-090120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 0/0	9/1/2020 10:41 PM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all emails between anyone working for the City of Delray (including the City Auditor and City Attorney) and Basecamp customer support.	9/14/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R0022707-090120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2 <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1/1	9/1/2020 10:34 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all emails between Josh Padgett and Amanda Vilain. Thanks	9/14/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R0022704-090120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 25 <input type="checkbox"/> 1/1	9/1/2020 4:42 PM		City Clerk	Don Moaratty	George Gretsas		Please provide me with all emails and text messages sent to and sent from each of the following individuals: Shirley Johnson Julie Casale Lynn Gelin Jennifer Alvarez	9/11/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002691-082820</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 7/7 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 0/1	8/28/2020 11:50 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with copies of any receipts, order forms, purchase orders, emails, or any other documents related to the ordering of Comcast WiFi service in George Gretsas's office including monthly bills for service, and the receipts for the purchase or rental of the WiFi modem and router and any delivery forms and or any document that identify when the equipment was ordered and by whom, when it was delivered , and what specific equipment and service was included with the order and any documents that show when the service was cancelled.	9/10/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002685-082820</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 0/1	8/28/2020 1:11 AM		City Clerk	Don Moaratty	George Gretsas		Please provide me with the most recent inventory list of all City owned cell phones.	9/9/2020 9:00 AM





Reference No:

Keyword(s):

Status:

Request Type:

Priority:

Assigned Dept:

Open/Closed:

Assigned Staff:

Customer Email:

Customer Name:

Search Add Criteria

Page 3 of 3  Displaying records 51 to 64 of 64

Reference No	Request Info	Create Date	Request Status	Assigned Dept	Assigned Staff	Customer Full Name	Company Name	Public Record Desired	Required Completion Date
<input type="checkbox"/> <a href="#">R002672-082620</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 3/3 <input type="checkbox"/> 1 <input type="checkbox"/> 1/1	8/26/2020 2:07 AM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me a copy of all emails sent by Shirley Johnson from June 5th - June 18th 2020	9/4/2020 9:00 AM
<input type="checkbox"/> <a href="#">R002671-082620</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 2/2 <input type="checkbox"/> 2 <input type="checkbox"/> 0/0	8/26/2020 2:03 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with a copy of all City records supplied to Mr Ari Whiteman in response to his 6/8/2020 records request in which he asked for "a copy of the email from Mr. Gretsas to Ms. Fisher dated Jun 5th"	9/4/2020 8:00 AM
<input type="checkbox"/> <a href="#">R002670-082620</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 3/3 <input type="checkbox"/> 1 <input type="checkbox"/> 0/0	8/26/2020 1:14 AM	Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with all documents related to complaints received on March 26, 27, 28, 29 and 30th 2020 from water customers regarding discolored water.	9/4/2020 8:00 AM
<input type="checkbox"/> <a href="#">R002655-082420</a>	<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 3/3 <input type="checkbox"/> 2 <input type="checkbox"/> 1/1	8/24/2020 4:14 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas		Please provide me with any and all public records sent from Gina Carter from her personal WhatsApp account.	9/2/2020 9:00 AM

<input type="checkbox"/>	<a href="#">R002654-082420</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 4/4  1  1/1	8/24/2020 4:09 PM	Payment Received	City Clerk	Don Moaratty	George Gretsas	Please provide me with any emails to and from 1) the City Attorney, 2) the Mayor, 3) The City Auditor related to the July 31, 2020 whistleblower letter from George Gretsas, including emails from anyone that forwarded the Gretsas letter to any of the 3 parties listed above. Also, please provide any and all City documents related to the Gretsas whistleblower letter that contain any information regarding the alleged inaccuracies in the Gretsas whistleblower letter.	9/2/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002653-082420</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3  8  1/2	8/24/2020 3:56 PM	Payment Received	City Attorney	Don Moaratty	George Gretsas	Please provide me with copies of all public records (text messages and emails) sent and/or received from the private devices of the Mayor, City Commissioners, the City Attorney, and the City Auditor in 2019.	9/14/2020 5:02 PM
<input type="checkbox"/>	<a href="#">R002651-082420</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 7/7  2  1/1	8/24/2020 3:48 PM		City Attorney	Don Moaratty	George Gretsas	Please provide me with a copy of the most recent invoices for each Internet and/or cloud based system and/or service that the City currently subscribes to. Also, for each service, please provide me a copy of the administrator page that identifies who has administrator rights to the service and who has access rights to the service.	9/2/2020 9:00 AM

<input type="checkbox"/>	<a href="#">R002650-082420</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3  2  0/0	8/24/2020 3:38 PM	Exemption Denial	City Clerk	Don Moaratty	George Gretsas	Please provide me with a copy of the AMPS inspection reports for the South Reservoir in 2019, and the WTP Clearwell in 2007 and the Superior Tank inspection report for the Clearwell in 2016.	9/2/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002608-081920</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2  1  0/1	8/19/2020 1:14 AM	Payment Received	City Clerk	Don Moaratty	George Gretsas	All emails from Lynn Gelin and all emails to Lynn Gelin related to the City's reclaimed water program including any email with the phrase "reclaimed water" in it.	8/28/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002591-081420</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3  1  0/0	8/14/2020 10:49 PM	Received	City Clerk	Don Moaratty	George Gretsas	Text messages and emails sent or received between Mayor Petrolia and Sharon Painter from any public or private devices of Mayor Petrolia.	8/26/2020 8:00 AM
<input type="checkbox"/>	<a href="#">R002574-081220</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 2/2  1  0/1	8/12/2020 2:50 PM		City Clerk	Don Moaratty	George Gretsas	Any emails to or from Victor Majtenyi and to or from Bryan Heller with the word interconnect in it and any of their emails that are related to water tank cleaning and/or clear well and/or clearwell cleaning during the time period of March 30, 2020 through April 30, 2020	8/21/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002561-081120</a>	<input checked="" type="checkbox"/> 0 <input checked="" type="checkbox"/> 3/3  1  0/1	8/11/2020 12:33 AM	Payment Received	City Clerk	Don Moaratty	George Gretsas	Text messages sent or received between Shirley Johnson and Fredrick James from any public or private devices of Shirley Johnson.	8/20/2020 9:00 AM

<input type="checkbox"/>	<a href="#">R002560-081120</a>	0  0  3/3  2  0/1	8/11/2020 12:22 AM	Payment Received	City Clerk	Don Moaratty	George Gretsas	Any emails to or from Victor Majtenyi and to or from Bryan Heller Related to elevated chlorine levels in the water. Also, any records from the City about elevated chlorine levels during the time time period of March 30, 2020 through April 21, 2020	8/20/2020 9:00 AM
<input type="checkbox"/>	<a href="#">R002543-080720</a>	0  0  4/4  3  0/0	8/7/2020 3:10 PM	Received	City Clerk	Don Moaratty	George Gretsas	The August 19, 2019 packet of information submitted to the HR Department by Juan Manzano as referenced in an August 27, 2019 memo to Neal de Jesus from Dot Bast.	8/18/2020 8:00 AM

## Macfarlane, Mary T.

---

**From:** Gelin, Lynn <GelinL@mydelraybeach.com>  
**Sent:** Thursday, November 12, 2020 9:24 AM  
**To:** OConnor, Joanne M.  
**Subject:** FW: Records request

This Message originated outside your organization.

---

Lynn Gelin, Esq. | City Attorney

☎ 561-243-7090 | ✉ [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

## CITY OF DELRAY BEACH



**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Gelin, Lynn  
**Sent:** Thursday, October 15, 2020 9:21 AM  
**To:** Law Office of Carmen Rodriguez <crpa@crlaborlawfirm.com>  
**Subject:** RE: Records request

Good morning, Carmen. The response sent to your client advised him of the following:

“As you know, this request is voluminous. Due to the nature of the request and the fact that it spans an entire year of records for multiple individuals and media, there are more than 10,000 records that have to be **reviewed**. Accordingly, the City is making its best efforts to provide you with this information timely. Should you desire to narrow your request again, please advise. (Emphasis Added).” See Correspondence to George Gretsas dated October 1, 2020.

As you know, there is a difference between *reviewing* records and *releasing* records. Only records that are deemed to be public records are released pursuant to Chapter 119. I’m not sure why you were under the impression that 10,000 records would be released but I hope this clears things up for you.

Have a great day.

Lynn Gelin, Esq. | City Attorney

☎ 561-243-7090 | ✉ [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

## CITY OF DELRAY BEACH

EX. 7



**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Law Office of Carmen Rodriguez <[crpa@crlaborlawfirm.com](mailto:crpa@crlaborlawfirm.com)>  
**Sent:** Wednesday, October 14, 2020 5:17 PM  
**To:** Gelin, Lynn <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>  
**Subject:** FW: Records request

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lynn- I am writing to you again as to the outstanding public record request relating to text messages and emails from private devices. As you can see from the below, we were told that there were about 10,000 responsive documents. To date, we have received maybe 25% of that. If the documents were compiled such as to be able to respond that there were 10,000 responsive documents, then surely they are compiled for production. It is clear that someone is withholding the release. Based on my experience, it does not appear that we have received all texts and emails responsive to the request, especially as to the Mayor. Lynn, you are a colleague and I can tell you that I do not want to see you embroiled in something not of your making. I am urging you to please, immediately release all responsive documents that are now overdue. If someone is holding them, that's wrong and you certainly do not want to be part of that.

Carmen

---


**Carmen Rodriguez, Esquire**  
**Law Offices of Carmen Rodriguez, P.A.**  
**Palmetto Bay Centre**  
**15715 S. Dixie Highway, Suite 411**  
**Palmetto Bay, Florida 33157**  
**Telephone: (305) 254-6101**  
**Facsimile: (305) 254-6048**  
[www.crlaborlawfirm.com](http://www.crlaborlawfirm.com)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

# Public Records Center

## Public Records Menu

 Home

 View In





Save

Messages 

▼ ↩ On 10

The item say

▼ ↩ On 10

How many r

▼  On 10

**Subject:** [Re

**Body:**

**CITY**

Del



199



4:00 PM Wed Oct 14

▼ ↩ On 10

TO: "Delray

Good morni

Approximat  
"copies of al  
Mayor, City  
in 2019." To  
This will serv

Thank you fo

---

Carmen Roc

Law Offices

Palmetto Ba



▼ ✉ On 10/6/2020

CC: gelinl@r

**Subject:** [Re

**Body:**

**CITY**

Del



199

10/06/2020

RE: PUBLIC I

Dear George

The City of E  
in which you

**"Please pro**

**From:** "Gelin, Lynn" <GelinL@mydelraybeach.com>  
**Date:** October 21, 2020 at 4:19:30 PM EDT  
**To:** Tom Ali <tali@stuartnkaplanpa.com>  
**Cc:** Stuart Kaplan <skaplan@stuartnkaplanpa.com>  
**Subject:** Re: **George Gretsas/City Manager**

Sounds good. If you would like me to provide you with the documents related to the public hearing that have been submitted thus far, let me know. I'm sure your client has provided them to you but I am happy to set up a one drive, if you would like, to ensure that you have everything related to the investigation and charges.

Lynn Gelin, Esq.  
City Attorney

On Oct 21, 2020, at 3:28 PM, Tom Ali <tali@stuartnkaplanpa.com> wrote:

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lynn: Thank you. We will be working on providing you the precise information Mr. Gretsas seeks from a Chapter 119 request or otherwise. Per the postponement, we shall withhold filing the mandamus and temporary injunction action against the City and its Commissioners respectively. Further, you agreed to produce to our office, to the extent available, by Monday, October 26, 2020 noon the requested documents sought by Mr. Gretsas pursuant to his previous written requests pursuant to Chapter 119 or otherwise. As stated above, we shall try to provide you with a list of the most important documents he seeks in order to prepare properly with counsel for the reset hearing. Cordially,  
Thomas J. Ali, Esquire Stuart N. Kaplan, P. A.

---

**From:** Gelin, Lynn [mailto:[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)]  
**Sent:** Wednesday, October 21, 2020 3:21 PM  
**To:** Tom Ali <[tali@stuartnkaplanpa.com](mailto:tali@stuartnkaplanpa.com)>  
**Subject:** RE: George Gretsas/City Manager

Good afternoon. The City Commission has voted to postpone your client's public hearing. The public hearing will now be heard on Friday, November 20, 2020 at 10:00 am. The meeting will be held in the City Commission Chambers. As we discussed, your client's suspension will be unpaid as of 5:00 p.m. this Friday, October 23, 2020. Based on this, please confirm that the mandamus action and temporary injunction will not be filed against the City.

In addition, per our conversation, please provide me with the documents referenced below from your client's public records requests that he maintains are missing.

Thank you for all of your assistance today.

**Lynn Gelin, Esq.** | City Attorney  
☎ 561-243-7090 | ✉ [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

## CITY OF DELRAY BEACH

<image001.gif>

**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Tom Ali <[tali@stuartnkaplanpa.com](mailto:tali@stuartnkaplanpa.com)>  
**Sent:** Wednesday, October 21, 2020 11:01 AM  
**To:** Gelin, Lynn <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>  
**Subject:** FW: George Gretsas/City Manager

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

**From:** Tom Ali  
**Sent:** Wednesday, October 21, 2020 9:40 AM  
**To:** [gelinl@delraybeach.com](mailto:gelinl@delraybeach.com)  
**Cc:** Stuart Kaplan <[skaplan@stuartnkaplanpa.com](mailto:skaplan@stuartnkaplanpa.com)>  
**Subject:** George Gretsas/City Manager

Dear Lynn: Thank you for returning promptly my phone call this morning. Stuart and I appreciate your professionalism in timely responding to the firm. As discussed, our firm was retained last evening by Mr. Gretsas, City Manager for the City of Delray Beach. We

drafted late last evening a mandamus action and action for a temporary injunction seeking to prevent the Friday, October 23, 2020 10:00 am vote by the City Commissioners on the continued employment of Mr. Gretsas as City Manager. Before filing the suit, and to avoid unnecessary litigation we would request you advise our firm by 1:30pm today if the City Commissioners would agree to a two(2) to three (3) week postponement of the hearing set for 10-23-20 at 10:00am. In the interim, we would request a full response and production of the documents pursuant to Mr. Gretsas's prior public records request directed to the City and City Commissioners. It is critical that our client review these documents with our firm prior to any reset hearing. We feel our client is unable to properly defend against the allegations that might result in a vote on his future with the City without him being afforded due process. Further, and as you are aware, the Mayor is under investigation and an assertion exists that the Mayor has a conflict of interest, as it relates to voting on Mr. Gretsas's employment status with the City. Boiled down, we were just retained, and to avoid immediate emergency litigation in a public forum, we believe our request for a brief non-dilatory postponement of the hearing is reasonable and mandated. We look forward to hearing from you on this request this afternoon. Best regards, Thomas J. Ali, Esquire  
Sturt N. Kaplan, P. A.

<image002.png>

Thomas J. Ali, Esquire

3399 PGA Blvd. Ste. 150 | Palm Beach Gardens | FL 33410

561/296-7900 Tele. | 561/296-7919 Fax

[tali@stuartnkaplanpa.com](mailto:tali@stuartnkaplanpa.com) | [www.stuartnkaplanpa.com](http://www.stuartnkaplanpa.com)



**From:** "Gelin, Lynn" <GelinL@mydelraybeach.com>  
**Date:** October 23, 2020 at 1:21:00 PM EDT  
**To:** Tom Ali <tali@stuartnkapanpa.com>  
**Cc:** Stuart Kaplan <skaplan@stuartnkapanpa.com>  
**Subject:** RE: George Gretsas

Thank you for the courtesy. I'll be in touch.

**Lynn Gelin, Esq.** | City Attorney  
☎ 561-243-7090 | ✉ [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

## CITY OF DELRAY BEACH



**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Tom Ali <tali@stuartnkapanpa.com>  
**Sent:** Friday, October 23, 2020 1:17 PM  
**To:** Gelin, Lynn <GelinL@mydelraybeach.com>  
**Cc:** Stuart Kaplan <skaplan@stuartnkapanpa.com>  
**Subject:** RE: George Gretsas

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lynn: The two(2) extra days is not an issue. FYI TJA, Esquire

EX. 9

---

**From:** Gelin, Lynn [<mailto:GelinL@mydelraybeach.com>]  
**Sent:** Friday, October 23, 2020 12:34 PM  
**To:** Tom Ali <[tali@stuartnkaplanpa.com](mailto:tali@stuartnkaplanpa.com)>  
**Cc:** Stuart Kaplan <[skaplan@stuartnkaplanpa.com](mailto:skaplan@stuartnkaplanpa.com)>  
**Subject:** FW: George Gretsas

Good afternoon. Please be advised of the following concerning the attached list of outstanding public records requests.

R002925 and R002924 have been completed as of 4 pm yesterday. Responsive records were provided to your client.

An estimate has been provided to your client for R002922 and the City is awaiting payment.

R002838 and R002837 will be completed Monday morning.

As to the balance of the requests (R002935, R002942, R002982, R002958, R002955, R002986, R002985, R002983) and estimate is being prepared and will be provided to your client. Once payment is made, any records produced from the search will be reviewed and, absent an exemption, will be released forthwith. Due to the number of outstanding requests as well as the volume of emails requested (R002958 is over 18 months of emails), it is unlikely that the City will be able to produce all of the responsive records to your client by the Monday deadline. Once payment is made, the records will be produced within 2 business days. Please let me know if you are amenable.

As to R002653, when you and I spoke on Wednesday, the discussion concerned your client's belief that there were additional records that were not provided. My understanding was that you would speak to your client and provide clarification concerning the records Mr. Gretsas believes are missing. Based on this clarification, an additional search would be conducted and, if additional records were located, those would be provided by the 2pm deadline on Monday. I will await the clarification as it is my opinion that a diligent search was already conducted and that responsive records were in fact produced pursuant to the request.

Please feel free to contact me if you would like to discuss this further. I have instructed my staff to provide your client with estimates as to the outstanding requests.

**Lynn Gelin, Esq. | City Attorney**  
☎ 561-243-7090 | ✉ [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida 33444

## CITY OF DELRAY BEACH



**PUBLIC RECORDS NOTE:** Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

---

**From:** Ashlee Marafino <[amarafino@stuartnkaplanpa.com](mailto:amarafino@stuartnkaplanpa.com)>  
**Sent:** Thursday, October 22, 2020 2:45 PM

**To:** Gelin, Lynn <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>

**Cc:** Stuart Kaplan <[skaplan@stuartnkapanpa.com](mailto:skaplan@stuartnkapanpa.com)>; Rosemary Bailey <[rbailey@stuartnkapanpa.com](mailto:rbailey@stuartnkapanpa.com)>;

Tom Ali <[tali@stuartnkapanpa.com](mailto:tali@stuartnkapanpa.com)>; [Ggretsas@gmail.com](mailto:Ggretsas@gmail.com)

**Subject:** RE: George Gretsas

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Lynn:

Attached in summary fashion is a two-page document with approximate dates, relating to important Chapter 119, F.S. Public Records requests submitted to the sovereign (City and/or its Commissioners) by our client, George Gretsas. It is critical that you provide our firm by noon, Monday October 26<sup>th</sup>, 2020 the documents sought by Mr. Gretgas.

Thank you for your continued and anticipated cooperation.

Thomas J. Ali, Esquire

**LAW OFFICES**  
**STUART N. KAPLAN, P.A.**  
**A PROFESSIONAL ASSOCIATION**

Ashlee Marafino, Legal Assistant

3399 PGA Blvd. Ste. 150 | Palm Beach Gardens | FL 33410

561/296-7900 Tele. | 561/296-7919 Fax

[amarafino@stuartnkapanpa.com](mailto:amarafino@stuartnkapanpa.com) | [www.stuartnkapanpa.com](http://www.stuartnkapanpa.com)

---

**From:** "Gelin, Lynn" <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>  
**Date:** October 26, 2020 at 12:02:00 PM EDT  
**To:** Tom Ali <[tali@stuartnkaplanpa.com](mailto:tali@stuartnkaplanpa.com)>  
**Subject:** FW: Scan\_Gelin, Lynn\_11\_36\_26-10-2020

Good morning. The attached documents are a partial response to your client's request for phone records pursuant to request number R002837. As you will see, the scan is virtually illegible. I can mail them to your client; however, at this time I am unable to reprint them as there is an issue with my ATT account. I will provide you with a copy of the text from customer service in a separate email. I have a meeting with the mayor later today and will ask her to print her records. City staff typically attempts to obtain the records without involving the elected officials, if possible. However, as I am unable to obtain the records myself, I will ask the mayor to get them to me.

Lynn Gelin, Esq. | City Attorney  
561-243-7090 | [gelinL@mydelraybeach.com](mailto:gelinL@mydelraybeach.com) | 200 N.W. 1st Avenue, Delray Beach, Florida  
33444

CITY OF DELRAY BEACH

PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

-----Original Message-----

From: [GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com) <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>

Sent: Monday, October 26, 2020 11:36 AM

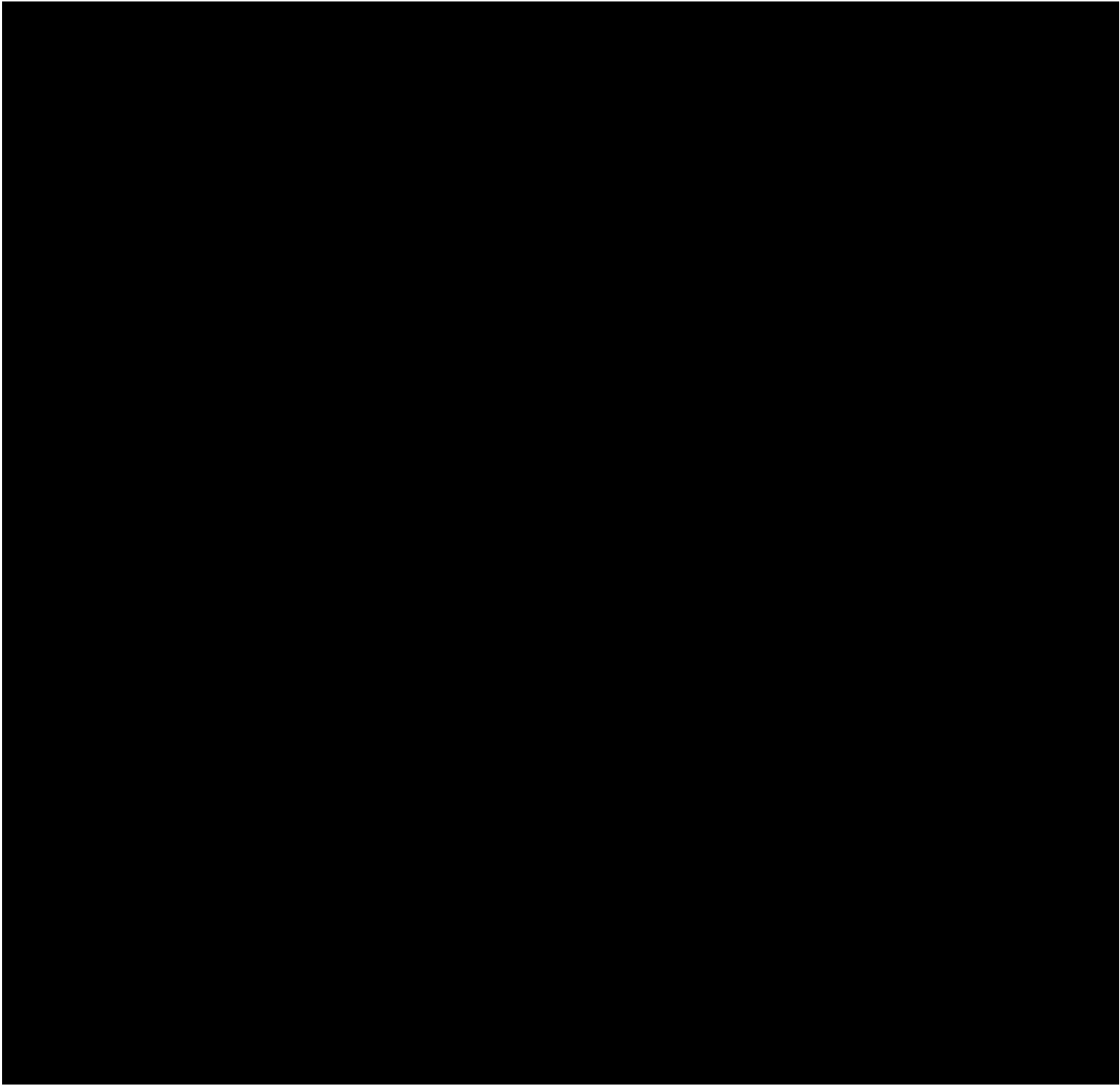
To: Gelin, Lynn <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>

Subject: Scan\_Gelin, Lynn\_11\_36\_26-10-2020

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find your scan attached to this Email.



---

**From:** Rangel, Delores <[Rangel@mydelraybeach.com](mailto:Rangel@mydelraybeach.com)>  
**Sent:** Wednesday, September 30, 2020 10:01 AM  
**To:** Gelin, Lynn <[GelinL@mydelraybeach.com](mailto:GelinL@mydelraybeach.com)>  
**Cc:** Graikowski, Beverly <[graikowskib@mydelraybeach.com](mailto:graikowskib@mydelraybeach.com)>  
**Subject:** FW: [GovQA] Activity Assignment on Request R002900-092820 - 10094

Good morning,

As we don't have the requested information I believe that we need to advise that no records have been found. Please confirm. Thank you.

~ D

**Delores Rangel**  
City of Delray Beach  
Executive Administrative Assistant  
To Mayor & City Commission  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, Fl. 33444  
(561) 243-7010

---

**From:** Petrolia, Shelly <[petrolia@mydelraybeach.com](mailto:petrolia@mydelraybeach.com)>  
**Sent:** Tuesday, September 29, 2020 9:53 AM  
**To:** Rangel, Delores <[Rangel@mydelraybeach.com](mailto:Rangel@mydelraybeach.com)>  
**Subject:** Re: [GovQA] Activity Assignment on Request R002900-092820 - 10094

I started working on it last week and somehow the entire text stream disappeared. I had my son download from the cloud yesterday but it didn't successfully download the text stream from Suzanne.

Joey from IT was just here (I'm in office) to try to retrieve the Fisher message stream but he too was unsuccessful.

Not sure what I can do. Maybe we can get it from Suzanne Fisher?

Still not giving up as there is a message on my phone indicating there is still some downloading taking place. Hoping maybe it will reappear!

Best,

**Shelly Petrolia**  
Mayor  
City of Delray Beach  
[100 N.W. 1<sup>st</sup> Avenue](http://100.N.W.1st.Avenue)  
[Delray Beach, FL 33444](http://Delray.Beach.FL.33444)

[Petrolia@mydelraybeach.com](mailto:Petrolia@mydelraybeach.com)  
**Phone:** [\(561\) 243-7010](tel:(561)243-7010)

**Note to Mayor & Commissioners. This message is for your information only. To comply with the Sunshine Law, please do not reply to this message.**

**PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.**

PLEASE NOTE: Pursuant to Florida's Government in the Sunshine Act (a.k.a. "Sunshine Law"), e-mails containing city business should be directed to either: **all City Commissioners or only 1 City Commissioner at a time and should not include prior responses from the other Commissioners** in order to avoid the perception that a third party is acting as a liaison between Commissioners.

On Sep 29, 2020, at 8:20 AM, Rangel, Delores <[Rangel@mydelraybeach.com](mailto:Rangel@mydelraybeach.com)> wrote:

~ D

**Delores Rangel**

City of Delray Beach  
Executive Administrative Assistant  
To Mayor & City Commission  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, Fl. 33444  
(561) 243-7010

---

**From:** Delray Beach Public Records Support <[delraybeach@mycusthelp.net](mailto:delraybeach@mycusthelp.net)>  
**Sent:** Monday, September 28, 2020 4:22 PM  
**To:** Rangel, Delores <[Rangel@mydelraybeach.com](mailto:Rangel@mydelraybeach.com)>  
**Subject:** [GovQA] Activity Assignment on Request R002900-092820 - 10094

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

**An Activity has been assigned to you for City Public Records Request / [#R002900-092820](#) - Activity #10094**

**[CLICK HERE TO COMPLETE ACTIVITY ASSIGNMENT](#)**

**\*\*\*Please check the box "No Files Found" if you don't have any responsive documents.**

**Activity Information**

Activity Assigned Staff: Delores Rangel  
Activity Type: CITY\_1-2-3: Provide Records  
**Activity Due Date: 10/7/2020**  
Activity Details: Sent to Delores and Ms. Gelin, FYI Ms. Johnson

**Request Information**

Assigned Staff: Don Moaratty  
Status: Received  
Create Date: 9/28/2020 3:48:03 PM  
Record(s) Requested: All text messages between Suzanne Fisher and Shelly Petrolia  
Customer Full Name: Ms. Elizabeth Olds  
Customer Email: [eolds@mathisonwhittles.com](mailto:eolds@mathisonwhittles.com)  
Company:



PD Case Numbers: [CASE\_NUMBERS]

Type of Records: [TYPE\_OF\_RECORDS]

---

**This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY**



**Macfarlane, Mary T.**

---

**From:** Bast, Dot <bast@mydelraybeach.com>  
**Sent:** Friday, November 06, 2020 1:55 PM  
**To:** Suzanne Fisher  
**Cc:** D'Andrea, Duane  
**Subject:** FW: [GovQA] Activity Assignment on Request R002900-092820 - 10896

Good afternoon, Suzanne

I hope you and your family are well. We received a public records request for the text messages between you and Mayor Petrolia. You can send them directly to Don Moaratty at [moarattyD@mydelraybeach.com](mailto:moarattyD@mydelraybeach.com)

Thank you

Dot Bast  
Assistant HR Director  
561-243-7127

*PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.*

---

**From:** Delray Beach Public Records Support <delraybeach@mycusthelp.net>  
**Sent:** Friday, November 6, 2020 8:09 AM  
**To:** Bast, Dot <bast@mydelraybeach.com>  
**Subject:** [GovQA] Activity Assignment on Request R002900-092820 - 10896

**\*\*Please be cautious\*\***

This email originated from outside of The City of Delray Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

**An Activity has been assigned to you for City Public Records Request / [#R002900-092820](#) - Activity #10896**

**[CLICK HERE TO COMPLETE ACTIVITY ASSIGNMENT](#)**

**\*\*\*Please check the box "No Files Found" if you don't have any responsive documents.**

**Activity Information**

Activity Assigned Staff: Dot Bast  
Activity Type: CITY\_1-2-3: Provide Records  
**Activity Due Date: 11/18/2020**  
Activity Details: Sent to Monique, CC'd Dot - Please contact Fisher

---

**Request Information**

Assigned Staff: Don Moaratty

Status: Received

Create Date: 9/28/2020 3:48:03 PM

Record(s) Requested: All text messages between Suzanne Fisher and Shelly Petrolia

Customer Full Name: Ms. Elizabeth Olds

Customer Email: [eolds@mathisonwhittles.com](mailto:eolds@mathisonwhittles.com)

Company:

PD Case Numbers: [CASE\_NUMBERS]

Type of Records: [TYPE\_OF\_RECORDS]

---

**This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY**

