IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO. 4D12-4421

SHERYL STECKLER, in her Official capacity as Inspector General of Palm Beach County, Florida,

Petitioner,

vs.

TOWN OF GULF STREAM, VILLAGE OF TEQUESTA, CITY OF RIVIERA BEACH, TOWN OF JUPITER, CITY OF DELRAY BEACH, TOWN OF PALM BEACH SHORES, TOWN OF MANALAPAN, TOWN OF MAGNONIA PARK, CITY OF PALM BEACH GARDENS, TOWN OF HIGHLAND BEACH, TOWN OF LAKE PARK, CITY OF WEST PALM BEACH, TOWN OF OCEAN RIDGE, CITY OF BOCA RATON, municipal Corporations of the State of Florida,

Respondent Municipalities,

PALM BEACH COUNTY, a political subdivision,

Respondent County, and

SHARON R. BOCK, in her Official capacity as the Clerk & Comptroller of Palm Beach County, Florida,

Respondent Clerk and Comptroller.

INSPECTOR GENERAL'S RESPONSE TO MOTION TO DISMISS PETITION FOR WRIT OF MANDAMUS FOR LACK OF JURISDICTION

SHERYL STECKLER, in her official capacity as Inspector General of Palm Beach County ("the IG"), by and through her

undersigned counsel, pursuant to Rule 9.300, Florida Rules of Appellate Procedure, files this Response to the Motion to Dismiss Petition for Writ of Mandamus for Lack of Jurisdiction, and states:

1. The respondents' collaborative Motion to Dismiss is without merit. It is merely their latest attempt to erect illusory procedural impediments to the courts considering the substance and merits of the IG's serious legal claims. Their Motion is based on a number of flawed premises:

a. The Motion to Dismiss incorrectly claims that this Court lacks jurisdiction to consider the Petition;

b. The case law cited by respondents to support the Motion to Dismiss for Lack of Jurisdiction actually supports the IG;

c. The respondents erroneously represent that the IG is asking this Court to rule on issues presently before the circuit court; and

d. Respondents' arguments in support of the motion are directly contrary to the position taken in the court below. They should be judicially estopped from advancing such arguments.

The factual basis for the Petition is set forth in detail in the Petition itself, and will not be reiterated herein.

This Court Has Jurisdiction to Consider the IG's Petition

2. The respondents allege, without actual legal support, that this court lacks jurisdiction to entertain the IG's petition. But this court's jurisdiction to entertain the petition and grant the relief requested is plainly set out in Article V, section 4(b)(3) of the Constitution of the State of Florida, and Rule 9.030(b)(3) of the Florida Rules of Appellate Procedure, which provides that this Court has jurisdiction to:

"...issue writs of mandamus, prohibition, quo warranto, and common law certiorari, and all writs necessary to the complete exercise of the courts' jurisdiction..."

Respondents' Cases Do Not Support Their Argument

3. None of the cases cited by the respondents actually support the proposition that this Court lacks jurisdiction to consider the merits of the IG's claims. Although there is a preference that an attempt first be made to present the claim to the circuit court, which the IG has done, this is not an issue involving jurisdiction.

a. *Vance v. Wellman*, 222 So. 2d 449 (Fla. 2nd DCA, 1969), sets out the actual principle, including language omitted by the respondents: "Orderly procedure dictates that we respect that philosophy and that petitions for extraordinary writs be first heard in the circuit court **unless there is some compelling**

reason for invoking the original jurisdiction of an appellate court." (Bold added)

In the instant case, there are compelling reasons for invoking the original jurisdiction of the appellate court including but not limited to the refusal of the trial court to consider the matter, and the ongoing harm to the public welfare.

b. In *Lyden v. Wainwright*, 307 So. 2d 258 (Fla. 2d DCA, 1974), the circuit court was bypassed entirely. But after acknowledging that it would have been preferable for the matter to have first been presented to the circuit court, the DCA retained jurisdiction and issued a preemptory writ of mandamus.

c. In *Florida Optometric Assoc. v. Firestone* the DCA reversed the trial court's denial of a petition for a writ of mandamus, observing that:

> In order to show entitlement to the extraordinary writ of mandamus, the petitioner must demonstrate a clear legal right on his part, an indisputable legal duty on the part of respondents, and that no other adequate remedy exists." *State, Department of Health and Rehabilitative Services v. Hartsfield*, 399 So.2d 1019, 1020 (Fla. 1st DCA 1981). We consider that the Secretary of State has an indisputable legal duty to publish validly enacted laws; a duty imposed upon him by Article IV, Section 4(b) of the Florida Constitution, requiring him to "keep the records of the official acts of the legislative and executive departments." We find additional support for this conclusion in the supreme court's recognition that mandamus is the appropriate remedy for resolution of *legal* issues -- not requiring extensive fact-finding -- as to the constitutional validity of several gubernatorial vetoes affecting certain provisions of the General Appropriations Act of 1979. *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980).

> The remaining question is whether another adequate remedy exists. Appellees argue that a declaratory judgment would be an adequate remedy. *See* Section 86.011, Florida Statutes. In *Brown* a declaratory judgment would have been inadequate since "the functions of government would have been adversely affected without an immediate determination." 382 So.2d at 662.
>
> *Florida Optometric Assoc. v. Firestone*, 465 So. 2d 1319, 1321 (Fla. 1st DCA, 1985)

In the present case, the functions of government are and will continue to be adversely affected without an immediate determination by this Court. The other elements required for Mandamus are also present. The respondents have failed to comply with their ministerial duties during the pendency of the case below, and the IG has a clear right to the performance of these duties until and unless a court relieves them of those duties.

The IG is Not Asking this Court to Rule on
Issues Presently Before the Trial Court

4. In their Motion to Dismiss, the respondents assert:

> "…the OIG's Petition asks this Court to resolve the merits of the still pending lower court proceedings-i.e whether the Municipalities are legally obligated to pay, and whether the Clerk & Comptroller is legally required to send bills to the Municipalities. This Court does not have jurisdiction over the merits of the lower court proceedings until those proceedings have concluded. The OIG's Petition for writ of Mandamus is nothing more than an attempt to circumvent the Trial Court, which is improper."

This is factually and legally incorrect. The IG is not asking this Court to rule on the merits of the case presently

before the circuit court. The IG is only asking this Court to enforce the longstanding principle of Florida law that the mere filing of a lawsuit challenging a law does not, in and of itself, nullify that law or absolve public officials of their responsibility to comply with that law.

> "A regularly enacted ordinance will be presumed to be valid until the contrary is shown..."
>
> *State v. Ehinger*, 46 So. 2d 601 (Fla. 1950); *Seaboard Air Line Railroad Company v. Hawes*, 269 So. 2d 392 (4th DCA 1972).

> "State officers and agencies must presume legislation affecting their duties to be valid..." (citations omitted)
>
> *Department of Education v. Lewis*, 416 So. 2d 455, at 458 (Fla. 1982).

> The contention that the oath of a public official requiring him to obey the constitution, places upon him the duty or obligation to determine whether an Act is constitutional before he will obey it, is, I think, without merit. The fallacy in it is that every Act of the legislature is presumably constitutional until judicially declared otherwise, and the oath of office "to obey the constitution," means to obey the constitution -- not as the officer decides -- but as judicially determined.
> The doctrine that the oath of office of a public official requires him to decide for himself whether or not an Act is constitutional before obeying it, will lend to strange results, and set at naught other binding provisions of the constitution.
>
> *State ex rel. Atlantic Coast Line Railway Co. v. State Board of Equalizers*, 94 So. 681, 682-683 (Fla. 1922).

> "Turning to the paramount issue before this Court, we find that this Court's decision in *State ex rel. Atlantic Coast Line Railway Co. v. State Board of*

> *Equalizers*, 84 Fla. 592, 94 So. 681 (Fla. 1922), which held that a public official may not defend his nonperformance of a statutory duty by challenging the constitutionality of the statute, is binding authority in the instant case."
>
> *Crossings at Fleming Island Cmty. Dev. Dist. v. Echeverri*, 991 So. 2d 793, 797 (Fla. 2008).

> In Florida, the general rule is that a public official may not seek a declaratory judgment as to the nature of his duties unless he "is willing to perform his duties, but is prevented from doing so by others." *Reid v. Kirk*, 257 So.2d 3, 4 (Fla. 1972); *see Department of Revenue v. Markham*, 396 So.2d 1120, 1121 (Fla. 1981). The validity of the law is to be assumed by the public official who is to carry it out. By the same token, that official does not have standing to sue for the purpose of determining that the law is not valid. *Department of Education v. Lewis*, 416 So.2d 455, 458 (Fla. 1982); *Miller v. Higgs*, 468 So.2d 371, 374 (Fla. 1st DCA 1985). The foregoing principles are equally applicable when a public official questions the validity of a regulation or rule because a valid rule or regulation of an administrative agency has the force and effect of law. *See Florida Livestock Board v. Gladden*, 76 So. 2d 291, 293 (Fla. 1954); *Bystrom v. Equitable Life Assurance Society*, 416 So.2d 1133, 1142 n.9 (Fla. 3d DCA 1982), *rev. denied*, 429 So.2d 5 (Fla. 1983); *see also Markham*, 396 So.2d 1120 (court held property appraisers lacked standing to contest Department of Revenue regulations). Because Commissioner Swift has not been prevented from performing his duties under the Florida Administrative Code and because those rules are to be presumed valid, declaratory judgment is inappropriate.
>
> *Graham v. Swift*, 480 So. 2d 124,125 (3rd DCA 1985)

Although the issue of whether the BOCC will be entitled to an award of monetary damages at the conclusion of the lawsuit due to the underfunding of the IG is before the lower court, the IG is not asking this Court to address that

either. The IG is merely asking this court to end her ongoing underfunding, which is harming the public welfare, by requiring the respondents henceforth to perform their duties under laws that have not been judicially determined to be invalid.

The Principle of Judicial Estoppel
Applies to the Motion to Dismiss

5. The principle of judicial estoppel applies to the respondents' Motion to Dismiss.

> The rule applicable to judicial estoppel is stated in 21 C.J. 1228 et seq., as follows:
> "A claim made or position taken in a former action or judicial proceeding will, in general, estop the party to make an inconsistent claim or to take a conflicting position in a subsequent action or judicial proceeding to the prejudice of the adverse party."
>
> *Ramsey v. Jonassen*, 737 So. 2d 1114, 115-116 (Fla. 2d DCA 1999)

a. In the lower court, the IG attached to her Motion to Intervene four pleadings that she intended to file upon intervention. As the respondents have admitted, they included mandamus pleadings similar to the one presently before this Court.

b. All three parties, respondents herein, filed pleadings challenging the I.G.'s attempt to intervene. In her first such pleading, titled Response to Inspector General's Motion to Intervene, the Clerk even argued that the IG's proposed pleadings would raise entirely new issues in the case, thereby

justifying the court's denial of intervention. (Exhibit 1, pages 4-5) The flaws in this argument will be addressed in the IG's brief in related case 4D12-4325. But because the trial court did not explain the basis for its denial of the IG's Motion to Intervene, this argument may have been a factor in that erroneous decision.

c. In her second pleading opposing the IG's Intervention, filed shortly before hearing and titled Opposition to Inspector General's Motion to Intervene and Amended Memorandum of Law on Motion to Intervene, the Clerk alleged that because an intervenor is required to "take the case as [s]he finds it," even if the IG were permitted to intervene, she should be prohibited from filing her proposed pleadings to address the ongoing failure to fund. (Exhibit 2, pages 3-4)

d. In their pleading opposing the IG's intervention, titled Plaintiffs' Response in Opposition to the Inspector General's Motion to Intervene and filed on June 27, 2012, the Municipalities argued that the IG's intervention, particularly the proposed pleadings after intervention, would "prejudice" them, by interfering with the scheduling of a hearing on their Motion for Partial Summary Judgment, which was not even filed until two months later. (Exhibit 3, page 4)

Despite arguing to the circuit court that it should not consider or address the IG's serious legal concerns, respondents

now represent to this Court that only the circuit court should consider those claims.

Despite arguing to the circuit court that the IG was seeking to introduce issues that were entirely unrelated to those before it, respondents now represent to this Court that the IG is requesting that it rule on the same issues that remain before the circuit court.

In view of the foregoing, the petitioner respectfully submits that, in addition to all other deficiencies in the respondents' Motion to Dismiss, the Motion should also be denied based on principles of judicial estoppel.

Should this Court do nothing more than reverse the denial of intervention in the related case, the ongoing harm to the public welfare would be permitted to continue and respondents will once again reverse course in the circuit court, forcing the IG to again contest their arguments as to why the circuit court should not address the IG's continued underfunding.

In conclusion, while this Court may use its own discretion to decide whether to entertain the petition and grant the relief requested, it does not lack jurisdiction to do so. It is respectfully submitted that it would be appropriate for this Court to issue an Order to Show Cause inviting the respondents to each explain why the filing of a lawsuit, in and of itself, entitles them to ignore their legal responsibilities. It is

further submitted that this Court should grant the ultimate relief requested and Order the respondents to perform their responsibilities under the law during the pendency of the suit below, ensuring the full funding of the IG while the suit is ongoing and ending this ongoing injury to the public welfare.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Inspector General's Response to Motion to Dismiss Petition for Writ of Mandamus for Lack of Jurisdiction has been provided by email this 28 day of December, 2012, to those on the attached service list.

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CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that the size and style of type used in this Reply Brief is Courier New 12-point font, in compliance with Fla. R. App. P. 9.210(a)(2).

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COUNSEL FOR PALM BEACH COUNTY (BOCC)

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA
CASE NO.: 50 2011 CA 017953 AN

TOWN OF GULF STREAM, VILLAGE OF TEQUESTA, CITY OF RIVIERA BEACH, TOWN OF JUPITER, CITY OF DELRAY BEACH, TOWN OF PALM BEACH SHORES, TOWN OF MANALAPAN, VILLAGE OF WELLINGTON TOWN OF MANGONIA PARK, CITY OF PALM BEACH GARDENS, TOWN OF HIGHLAND BEACH, TOWN OF LAKE PARK, CITY OF WEST PALM BEACH, TOWN OF OCEAN RIDGE, CITY OF BOCA RATON, municipal Corporations of the State of Florida,

Plaintiffs,

vs.

PALM BEACH COUNTY, a political subdivision,

Defendant.

SHARON R. BOCK, in her Official Capacity as the Clerk & Comptroller of Palm Beach County, Florida

Intervenor.

---/

RESPONSE TO INSPECTOR GENERAL'S MOTION TO INTERVENE

Sharon R. Bock, in her official capacity as Clerk & Comptroller of Palm Beach County (the "Clerk and Comptroller"), by and through her undersigned counsel, and in accordance with Rule 1.230, Florida Rules of Civil Procedure, files this Response to the Inspector General's Motion to Intervene, incorporating the arguments of the County and Municipalities, and states:

INTRODUCTION

The Clerk & Comptroller is an intervenor in this action by Agreed Order with standing to participate as an elected constitutional officer under Article V, section 16 and Article VIII,

EXHIBIT 1

section 1(d) of the Florida Constitution, required by statute and common law to serve as the custodian, keeper, accountant, auditor, inspector and examiner of all County accounts including those funds deposited in the Office of Inspector General, Palm Beach County, Florida Special Revenue Fund (the "IG Account"). *See* §§ 28.12, 129.09, 136.08, Fla. Stat. The Clerk & Comptroller is required to attest to every check or warrant drawn on County accounts including the IG Account and may be liable for willfully and knowingly signing a warrant for a charge not authorized by law. §§ 129.09, 136.06, Fla. Stat.

The Clerk & Comptroller takes no position on the merits of this litigation. She solicits declaratory relief as to whether her compliance with the financial support and budgeting requirements set forth in Article XII, § 2-429, County Code, is consistent with her constitutional, statutory and other duties. The Clerk & Comptroller has accepted this lawsuit as she found it and raised only those issues incident to the underlying claims and counterclaim of the parties. The parties hoped to resolve this dispute, but now that they are forging ahead with the litigation the Clerk & Comptroller is working diligently with the County to determine how to handle funds with the approval of this Court received from municipalities not party to this lawsuit.[1]

ARGUMENT

In November 2010, the electors of Palm Beach County established the Office of Inspector General by Charter amendment and later by County Ordinance. Charter § 8.3; Ord. No. 2009-049, as amended by 2011-009 ("Ordinance"). It is an office respected by the Clerk & Comptroller and the parties to this litigation; however, the Charter, Ordinance and common law are clear that the IG lacks standing to intervene in this case. Charter, § 4.3 ("The office of county

[1] These funds constitute a fraction of the IG's budget and of the sums owed by the Plaintiffs if the Ordinance is constitutional. Meanwhile, the Inspector General has more than sufficient funds to operate her department in the ordinary course for several months to come.

attorney shall prosecute and defend all civil actions for and on behalf of Palm Beach County and the Board of County Commissioners...."); Art. XII, § 2-429(7), County Code ("In the event payment is not timely received [on an invoice for financial support of the IG], the county or any municipality in compliance with this section may pursue any available legal remedy.");[2] *North Miami Bch. Water Bd. v. Gollin*, 171 So. 2d 584, 585-86 (Fla. 3d DCA 1965) (where city was authorized to create, by ordinance, a separate department to manage, control and operate water department, and water board was to be appointed by city council, water board was a subservient department within municipality and had no standing to become a party defendant in proceedings brought against city; denying North Miami Beach Water Board's motion to intervene for lack of standing); *Florida City Police Dep't v. Corcoran*, 661 So. 2d 409 (Fla. 3d DCA 1995) (police department was not an entity subject to suit).

The electors of Palm Beach County and the County itself conferred upon the IG limited powers excluding the right to defend this action. Charter § 4.3. The Charter is the constitution of Palm Beach County. This Court's main purpose is to construe the constitution in such a manner as to ascertain the intent of the framers and to effectuate that object. *Metro-Dade Fire Rescue Serv. Dist v. Metro-Dade Cnty.*, 616 So. 2d 966, 968 (Fla. 1993). The implementing ordinance for the IG may not contradict the charter. *Id.* at 970. In this case, all speak in unison: the Charter confers on the County Attorney the authority to defend civil actions while granting the Inspector General ("IG") no such legal authority, Charter §§ 4.3, 8.3; and the Ordinance explicitly states the County shall pursue any legal remedy in the event the IG is not funded. Art. XII, § 2-429(7), County Code. Other than the Charter, there is no other constitutional or

[2] The electors of Palm Beach County knew how to authorize the Inspector General to pursue legal remedies, but decided against it. *See* Art. XII, s. 2-423(3), County Code (authorizing the Inspector General to make application to any circuit court of the state which shall have jurisdiction to order a witness to appear before the Inspector General and to produce evidence in the case of a refusal to obey a subpoena).

statutory authority upon which this Court may rely to grant the IG's motion to intervene.[3] Consequently, the IG lacks substantive capacity or standing to exercise any procedural right to intervene. *Gollin*, 171 So. 2d at 585-86; Rule 1.230, Fla. R. Civ. P.

In addition, the IG is not entitled to the special treatment she seeks incompatible with traditional intervenor status. Intervenors ordinarily cannot do what the IG demands: to dismiss pleadings (contrary to the County's legal posture), to dismiss Plaintiffs, to dismiss the Clerk & Comptroller, and to raise new albeit erroneous legal issues tertiary to the underlying dispute. *See Fla. Gas. Co. v. Am. Emp'rs' Ins. Co.*, 218 So. 2d 197 (Fla. 3d DCA 1969) (affirming denial of intervenor's motion to dismiss for failure to state a claim on grounds intervenor was bound by record at time of intervention); *Krouse v. Palmer*, 131 Fla. 444, 179 So. 762, 763 (1938) (affirming interpretation of motion to dismiss by intervenors as the equivalent of a motion to dismiss interveners as parties defendants). The IG erroneously raises as new issues tertiary questions including the Clerk & Comptroller's constitutional and statutory standing,[4] as well as the Clerk & Comptroller's exercise of her statutory responsibilities. "A trial court does not abuse its discretion when it denies intervention because the would-be intervenor seeks to inject new issues into the pending action." *Allstate Ins. Co. v. Johnson*, 483 So. 2d 524, 525 (Fla. 5th DCA

[3] The authority to establish a municipality or quasi-municipal entity such as an independent special district is exclusively the Legislature's. *Bd. of Comm'rs of Jupiter Inlet Dist. v. Thibadeau*, 956 So. 2d 529, 532 (Fla. 4th DCA 2007). The County may establish a dependent special district, Ch. 189, Fla. Stat., but the electors of Palm Beach County did not choose to establish the IG in this fashion.

[4] A comptroller may challenge a law that requires the expenditure of public funds as it is the comptroller's duty to collect, control and disburse them. *See, e.g., Green v. City of Pensacola*, 108 So. 2d 897, 900-01 (Fla. 1st DCA 1959) (comptroller entitled to question constitutionality of special act which purports to exempt the City of Pensacola from payment of gross receipts tax as required by general law); *accord Kaulakis v. Boyd*, 138 So. 2d 505 (Fla. 1962) (county commissioners had the right and duty to challenge the validity of a portion of their home rule charter, which purported to make the county liable in tort to the same extent as municipalities since a judgment for the plaintiff would have required the commissioners to expend public funds in satisfaction thereof). Public officials also have standing to challenge a law that will injure them. *Green*, 108 So. 2d at 900.

1986).[5] Consequently, and for the reasons discussed in the County's and City's responses, this Court should deny the IG's Motion to Intervene.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 28th day of June 2012, a true and correct copy of the foregoing has been furnished by email and U. S. Mail to counsel as follows:

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[5] Assuming *arguendo* the IG had any standing to intervene, it would be lesser by virtue of the IG's dependence on Charter and Ordinance than the standing of a constitutional and statutory officer's; nevertheless, the IG aims for greater standing for the purpose, *inter alia*, of overturning the constitutional officer's. The incongruity of the IG's position is self-evident.

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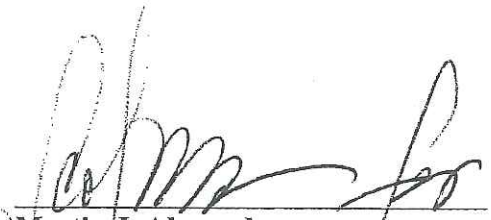

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June 28, 2012

Via Hand Delivery

The Honorable Sandra K. McSorley
Palm Beach County Courthouse
205 North Dixie Highway, Room 10.1216
West Palm Beach, FL 33401

RE: Town of Gulfstream, et al. v. Palm Beach County
Case No.: 502011CA017953XXXXMB(AN)

Dear Judge McSorley:

Please find enclosed Palm Beach County's Hearing Notebook containing the County's Response to the Inspector General's Motion to Intervene that is specially set for hearing on Friday, July 6, 2012 at 4:00 p.m. The Notebook includes the pertinent legal authority cited in order, supporting the County's position, string citations are omitted.

Additionally, should the Court desire more in depth background, the Plaintiff's Complaint and County's Answer, Affirmative Defenses and Counterclaim are also included herein.

If I can be of any further assistance, I will be at the Court's disposal. Thank you.

Very truly yours,

Philip Mugavero, Esq.
Assistant County Attorney

PM:aa
encls.

cc: Denise Nieman, County Attorney
Andrew J. McMahon, Chief Assistant County Attorney
All Counsel of Record (*PBC's Response only*)

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA
CASE NO.: 50 2011 CA 017953 AO

TOWN OF GULF STREAM, VILLAGE OF TEQUESTA, CITY OF RIVIERA BEACH, TOWN OF JUPITER, CITY OF DELRAY BEACH, TOWN OF PALM BEACH SHORES, TOWN OF MANALAPAN, VILLAGE OF WELLINGTON TOWN OF MANGONIA PARK, CITY OF PALM BEACH GARDENS, TOWN OF HIGHLAND BEACH, TOWN OF LAKE PARK, CITY OF WEST PALM BEACH, TOWN OF OCEAN RIDGE, CITY OF BOCA RATON, municipal Corporations of the State of Florida,

Plaintiffs,

vs.

PALM BEACH COUNTY, a political subdivision,

Defendant.

SHARON R. BOCK, in her Official Capacity as the Clerk & Comptroller of Palm Beach County, Florida

Intervenor.

---/

OPPOSITION TO INSPECTOR GENERAL'S MOTION TO INTERVENE AND AMENDED MEMORANDUM OF LAW ON MOTION TO INTERVENE

Sharon R. Bock, in her official capacity as Clerk & Comptroller of Palm Beach County (the "Clerk and Comptroller"), by and through undersigned counsel, and in accordance with Rule 1.230, Florida Rules of Civil Procedure, files this Opposition to Motion to Intervene filed by the Inspector General ("IG"), and to the IG's Amended Memorandum of Law on Motion to Intervene served on October 9, 2012 ("Amd. Memo"),[1] and states:

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[1]The Amended Memorandum is the IG's third memorandum of law filed in support of her Motion to Intervene. Each successive legal memorandum filed by the IG, including the recently filed Amended Memorandum, has added

EXHIBIT 2

Introduction

This Court should deny the Motion to Intervene for these reasons: (1) the Motion seeks to interject additional and complex constitutional and legal questions not raised by any of the parties; (2) to grant the relief the IG seeks, the Motion itself requires this Court to modify the balance of power in municipal government; (3) the statutory and municipal law unambiguously indicate that the County and County Attorney are the exclusive persons who may defend a County ordinance and enforce the funding mechanism of the Ordinance involved in this action; (4) the IG has not properly pled individual standing, does not qualify for taxpayer standing and, even if she did, could not assert the interests of her office; and (5) the IG is not entitled to super-intervenor status anyway.

I. The IG Improperly Seeks to Interject Additional and Complex Constitutional and Legal Questions Outside the Scope of This Litigation.

The instant lawsuit concerns one issue: the legality of the funding mechanism in an ordinance ("Ordinance") enacted by the County in which the Office of Inspector General (OIG), and the position of Inspector General is created. *See* Ordinance No. 2009-049, as amended by 2011-009. Whether or not the IG has the power she now claims to sue or be sued is wholly irrelevant to (1) the declaratory relief the Plaintiffs seek that the Ordinance is a tax, (2) the counter-declaratory and monetary relief the County seeks to make its budget (and, indirectly, the IG's budget) whole, and (3) the related declaratory relief the Clerk & Comptroller solicits as a party caught in the middle.[2]

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additional arguments in support of her request to intervene in this action, some of which are not even set forth in her Motion to Intervene.

[2] Were this Court to grant the IG's Motion to Intervene, the parties to this action would have to request leave to amend their pleadings to request declaratory relief as to the IG's authority to participate in this action. These issues would have to be resolved before the issues the Plaintiffs framed in their Complaint.

The current lawsuit does not challenge (1) the independence of the OIG or of the Inspector General; (2) the IG's capacity or standing to sue or be sued, or (3) the exercise of an enumerated power of the OIG under the Ordinance such as the right to enforce a subpoena. The IG asks this Court for permission to swamp the single issue the lawsuit actually concerns with these new ones: (1) the IG has claimed she is "not a department of anything," but entirely independent of the Board of County Commissioners. (Memorandum of Law on Motion to Intervene ("Memo") at 5 (Aug. 29, 2012)). In fact, she has asserted that her office is the equivalent of a statutory state agency, such as the Florida Office of Financial Regulation and Office of Insurance Regulation.[3] (*Id.*, at 6); (2) the IG claims capacity and standing to sue and be sued in her official or in her personal capacity, either way on behalf of her office's interests, including the power to seek mandamus relief against the other litigants. (Amd. Memo. at 5). She explicitly claims the right to defend a County Ordinance in a manner contrary to the County Attorney. (Amd. Memo, at 7); and (3) the IG also asserts her right to enforce a subpoena not at issue in this case. (Amd. Memo, at 6)

Customarily, intervenors are not welcome to expand the scope of litigation in this manner. In *Williams v. Nussbaum*, 419 So. 2d 715 (Fla. 1st DCA 1982), relied upon by the IG (Amd. Memo, at 8), the court identified two limitations on intervention: (1) intervention ordinarily is in "subordination to and in recognition of the propriety of the main proceeding" and

[3] The analogy to the Florida Office of Financial Regulation and Office of Insurance Regulation is not apt and the cases the IG relies upon are entirely irrelevant. *Cf. Roche Surety and Casualty Co., Inc. v. Dep't of Fin. Servs., Office of Ins. Reg.*, 895 So. 2d 1139 (Fla. 2d DA 2005) (department erred in disregarding ALJ's finding of fact that insurer's failure to return build up funds to agent was not willful); *Kligfeld v. State*, 876 So. 2d 36 (Fla. 4th DCA 2004), *rev. denied*, 889 So.2d. 71 (Fla. 2004) (Viatical Settlement Act did not preempt Securities Act). The legislature undoubtedly has the authority to establish a state agency or quasi-municipal entity such as an independent special district with the power to sue and be sued, but the legislature did not enact or recognize the Office of the Inspector General. § 20.121(3), Fla. Stat. The cases that the IG relies upon are not irrelevant.

(2) "one who intervene in a pending action ordinarily must come into the case as it exists and conform to the pleadings as he finds them or that he must take the case as he finds it." *Id.* n.1.

Because intervention is ordinarily subordinate to the main proceeding, an intervenor is not welcome to multiply the issues in the lawsuit. Courts ordinarily have an obligation to avoid constitutional and other legal questions not critical to the resolution of the dispute before it. *State v. Mozo*, 655 So. 2d 1115, 1117 (Fla. 1995); *State v. Williams*, 584 So. 2d 1119, 1121 (Fla. 5th DCA 1991). This Court has complete discretion to deny the IG's Motion to Intervene without deciding the new issues the IG raises because they are outside the scope of this litigation. *Allstate Ins. Co. v. Johnson*, 483 So. 2d 524, 525 (Fla. 5th DCA 1986) (the court "does not abuse its discretion when it denies intervention because the would-be intervenor seeks to inject new issues into the pending action.")

Because no party to this lawsuit has challenged the independence of the OIG or of the Inspector General or raised the other issues exclusively of interest to her, they are not ripe for review and it is premature to decide them. *See generally State v. Fla. State Turnpike Auth.*, 80 So. 2d 337 (Fla. 1955) (provisions of Turnpike Act prescribing method of exercise of power of eminent domain was not relevant in proceeding to validate Authority's bond issue and any objection to such section was premature). Accordingly, this Court should deny the Motion to Intervene and not allow the tail to wag the dog by forcing the parties to brief and argue extraneous legal issues that will delay and complicate the lawsuit.

II. To Grant the Relief the IG Requests, the Motion to Intervene Itself Requires this Court to Modify the Balance of Power in Municipal Government.

For this Court to decide in favor of the IG on its Motion to Intervene, this Court must necessarily find, impliedly, or explicitly, that she has standing and capacity to sue and be sued in this lawsuit. To do so has major implications for the balance of power in municipal government.

The IG cannot participate in this lawsuit representing the interests of her office unless the OIG is capable of suing and being sued. The Motion to Intervene requires the Court to decide at least this much. As discussed below, appearing in her individual capacity does not resolve the problem.

Most obviously, the ruling would bear on the relationship between the IG, Board of County Commissioners, and County Attorney, but not merely as pled thus far in this lawsuit. It would also influence whether (1) the IG is entitled to *sue the County in this lawsuit* or any other; (2) the IG can file other lawsuits at will or be named in them at the County's expense; and (3) the IG can defend other County ordinances in a manner contrary to the County Attorney. In addition, this court's ruling bears on the relationship between the Board of County Commissioners, County Attorney and other County departments, which may contend that they are also entitled to sue or be sued or, if not the departments, the heads of the departments at County expense.[4] The court's ruling will also impact other counties for the same reasons.

This Court should deny the IG's Motion to Intervene to avoid altering the balance of power in municipal government when the dispute as already framed is adequate to resolve the fundamental funding question at issue.

III. The IG Lacks the Authority to Intervene in this Action

This Court may deny the IG's Motion to Intervene without deciding whether the IG has the authority she claims, but were the Court to reach the merits of the question, it is clear under

[4] The IG mistakenly claims that the Clerk & Comptroller relied upon *Omni Nat'l Bank v. Ga. Banking Co.*, 951 So. 2d 1006 (Fla. 3d DCA 2007). (Amd. Memo., at 8) The case is not cited in the Clerk & Comptroller's initial Response to Inspector General's Motion to Intervene. Nevertheless, *Omni* does not support the IG's Motion to Intervene. In *Omni*, the court ruled, "The intervenor must accept the record and pleadings as they exist in the litigation and the intervenor may not raise new issues." *Id.* at 1007. Omni "accepted the pleadings as they existed and did not attempt to raise any new or competing claims in the litigation." The IG proposes to violate this standard by: (1) moving to dismiss the Clerk & Comptroller's and Municipalities' pleadings, (2) seeking mandamus against the Clerk, and (3) raising a new claim that her Office is empowered to sue and be sued with respect to the subject matter of this litigation.

statutory law, the County Charter and Ordinance that she does not. All unambiguously speak in unison to this same effect, but even if they did not the state statute on point or, alternatively, County Charter is sufficient to deny the Motion to Intervene.

State Statute. Statutory law invests exclusively a board of county commissioners with the power to defend civil actions against the County. § 125.01(1)(b), Fla. Stat. Municipal ordinances are inferior to laws of the state and may not conflict with any controlling provision of a state statute. *City of Wilton Manors v. Starling*, 121 So. 2d 172, 174 (Fla. 2d DCA 1960). The IG erroneously claims entitlement to defend this action on the basis of the Ordinance. To the extent the Ordinance authorized any such thing (which it does not), it would be contrary to statutory law and, therefore, invalid.

County Charter. The County Charter also invests the authority to defend civil actions exclusively in the County Attorney. § 4.3, Charter ("The office of county attorney shall prosecute and defend all civil actions for and on behalf of Palm Beach County and the Board of County Commissioners....").[5] The Charter is the constitution of Palm Beach County. This Court's main purpose is to construe the constitution in such a manner as to ascertain the intent of the framers and to effectuate that object. *Metro-Dade Fire Rescue Serv. Dist. v. Metro-Dade Cnty.*, 616 So. 2d 966, 970 (Fla. 1993). The implementing ordinance of the IG may not contradict the charter or must give way if it does. *Id.* at 970. This is another reason to deny the Motion to Intervene.

Ordinance. In unison with state statute and County Charter, the implementing Ordinance states that the County shall pursue any legal remedy in the event the IG is not funded. Art. XII, § 2-429(7), County Code. It accords to the Inspector General merely the power to make

[5] The IG points out that the Charter also states that she is "independent" and must receive a minimum level of funding as determined by the implementing ordinance. (Memo, at 2) She also claims that the County Attorney is not authorized to represent OIG, but nothing in the Charter contradicts the County Attorney's exclusive authority to defend civil actions such as this one against the County.

application to any circuit court to order a witness to appear. *Id.* § 2-423(3). From this enumerated power, the IG erroneously infers an expansive general power contrary to statute, charter, and other enumerated powers in the Ordinance to defend this civil action and sue for mandamus. *Id.* § 2-423(7) ("The inspector general may exercise any of the powers contained in this article upon his or her own initiative."). Of course, this is nonsense according to traditional rules of statutory construction which apply equally to ordinances. "'Where there is in the same statute a specific provision, and also a general one which in its most comprehensive sense would include matters embraced in the former, the particular provision must control....'" *Stroemel v. Columbia Cnty.*, 930 So. 2d 742, 746 (Fla. 1st DCA 2006) (citation omitted). Thus, "'a specific statute covering a particular subject area always controls over a statute covering the same and other subjects in more general terms.'" *Mortgage Elect. Registration Sys. v. Mahler*, 928 So. 2d 470, 472 (Fla. 4th DCA 2006) (citation omitted). The specific provision at issue in the Ordinance provides that the County shall pursue any legal remedy if the IG is not funded.

The electors' intent clearly expressed in the Charter and Ordinance is that the County must defend this lawsuit. The IG may not infringe this enumerated power. The Florida Supreme Court ruled unconstitutional a less serious infringement upon a board of county commissioner's authority to select its own counsel by depriving the commission's authority to engage counsel residing outside the county. *See State v. Culbreath*, 174 So. 422, 425 (Fla. 1937) (local act regulating the jurisdiction and duties of the board of county commissioners in the matter of their general duty and power to represent the county in the prosecution and defense of all legal causes invalid). *Culbreath* makes plain that the Board of County Commissioners' discretion to defend civil actions may not be constrained.

IV. The IG Has Not Properly Pled Individual Standing, Does Not Qualify for Taxpayer Standing and, Even if She Did, Could Not Assert the Interests of Her Office.

The IG has not properly pled individual standing, does not qualify for taxpayer standing and, even if she did, could not assert the interests of her office. First, the IG's Motion to Intervene and appended Complaints for Mandamus Relief and Motions to Dismiss, as well as supporting Memoranda, are all filed on behalf of "Sheryl Steckler, in her official capacity as Inspector General of Palm Beach County." Sheryl Steckler does not allege special injury or residency in her proposed Crossclaims. This Court must rule on her Motion to Intervene exclusively as filed; *i.e.*, on behalf Sheryl Steckler in her official capacity as Inspector General of Palm Beach County.

Second, Sheryl Steckler does not qualify for taxpayer standing. Taxpayer standing is available only "if the taxpayer can show that a government taxing measure or expenditure violates specific constitutional limitations on the taxing and spending power." *Alachua Cnty. v. Scharps*, 855 So. 2d 195, 198 (Fla. 1st DCA 2003) (*citing Martin v. City of Gainesville*, 800 So. 2d 687, 688-89 (Fla. 1st DCA 2001), *rev. denied*, 821 So. 2d. 298 (Fla. 2002); *Paul v. Blake*, 376 So.2d 256, 259 (Fla. 3d DCA 1979)). Sheryl Steckler claims the opposite in her proposed Crossclaim against the Plaintiffs; *i.e.*, that the implementing ordinance complies with constitutional limitations on the taxing power. She does not claim that a government taxing measure violates the constitution, but that failing to enforce the government taxing measure conflicts with the Plaintiffs' ministerial duty.

Third, if Sheryl Steckler could intervene as a taxpayer in this proceeding, she would not be entitled to assert the interests of her office as grounds for the action anyway, but only her interests as a taxpayer. *See generally Dep't of Educ. v. Lewis*, 416 So. 2d 455 (Fla. 1982). A person may not be heard to raise constitutional questions on behalf of some other person. *State*

v. Stepansky, 761 So. 2d 1027, 1033 (Fla. 2000), *cert. denied*, 531 U.S. 959 (2000). She cannot do indirectly as an individual what she cannot do directly in her official capacity. Because the IG has not pled and is not entitled to taxpayer standing or, if she was, could not assert the interests of her office anyway, her Motion to Intervene should be denied.

V. The IG Is Not Entitled to Super-Intervenor Status.

The IG asks for special status as a full party, exceeding that of the Clerk & Comptroller. The Clerk & Comptroller is a constitutional and statutory officer with long-established legal authority to sue and be sued. Due to her potential official and personal civil and criminal liability the Clerk & Comptroller requested and received unanimous consent to intervene in this action to ask this Court for a declaration about her legal obligations under the Ordinance in light of the Municipalities' legal challenge. The Clerk & Comptroller takes no position on the merits of this litigation and does not presume party status. The Clerk & Comptroller simply seeks to protect her interests as a party caught in the middle between the Plaintiffs and County.[6] In contrast, the IG demands full party status, even though she lacks any express authority whatsoever to sue or to be sued with respect to the subject matter of *this* action. This is not to minimize her office, but to put in perspective the incongruous extent of her request for party status. Especially when the County is seeking to uphold the legality of the funding mechanism, and to collect the monies required to be paid under the funding mechanism.

The court in *Nussbaum* explained that the secondary limitation on an intervenor; *i.e*, that the intervenor "take the case as [s]he finds it," prevents the IG from filing her unmeritorious

[6] A comptroller may challenge a law that requires the expenditure of public funds as it is the comptroller's duty to collect, control and disburse them. *See, e.g., Green v. City of Pensacola*, 108 So. 2d 897, 900-01 (Fla. 1st DCA 1959) (comptroller entitled to question constitutionality of special act which purports to exempt the City of Pensacola from payment of gross receipts tax as required by general law); *accord Kaulakis v. Boyd*, 138 So. 2d 505 (Fla. 1962) (county commissioners had the right and duty to challenge the validity of a portion of their home rule charter, which purported to make the county liable in tort to the same extent as municipalities since a judgment for the plaintiff would have required the commissioners to expended public funds in satisfaction thereof). Public officials also have standing to challenge a law that will injure them. *Green*, 108 So. 2d at 900.

motion to dismiss and mandamus actions. Concerning this limitation, the court explained: "By this it is generally meant that he cannot avail himself or urge mere irregularities in the proceeding which the original parties have expressly or impliedly waived, or of defenses which are personal to them." *Williams*, 419 So. 2d at n.1. Within these limitations the intervenor may "avail himself of any and all arguments which relate to derivation and extent of his own interests," *id.*, but not to the extent of challenging "the propriety of the main proceedings or the sufficiency of its pleadings," *Florida Gas Co. v. Am. Employers' Ins. Co.*, 218 So. 2d 197, 198 (Fla. 3d DCA 1969); or "object[ing] to pleadings or process ... submitted to without objection." *Singletary v. Mann*, 24 So. 2d 718, 722 (Fla. 1946); *accord National Wildlife Federation, Inc. v. Glisson*, 531 So. 2d 996, 998 (Fla. 1st DCA 1988) ("An intervenor must accept the record and pleadings as he finds them and cannot raise new issues, although he may argue the issues as they apply to him as a party.").

The IG has no authority to defend this civil suit at all, but even if she did, the IG is not entitled to dismiss pleadings, sue for mandamus relief, or otherwise exercise super-intervenor status to seek funds the County is already hotly pursuing. Consequently, and for the reasons discussed in her previous Response, as well as the Responses of the City and the County, this Court should deny the IG's Motion to Intervene.

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IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502011CA017953XXXXMB
DIVISION: AN

TOWN OF GULF STREAM, VILLAGE OF TEQUESTA, CITY OF RIVIERA BEACH, TOWN OF JUPITER, CITY OF DELRAY BEACH, TOWN OF PALM BEACH SHORES, TOWN OF MANALAPAN, TOWN OF MANGONIA PARK, CITY OF PALM BEACH GARDENS, TOWN OF HIGHLAND BEACH, TOWN OF LAKE PARK, CITY OF WEST PALM BEACH, TOWN OF OCEAN RIDGE, and CITY OF BOCA RATON, municipal corporations of the State of Florida,

Plaintiffs,

vs.

PALM BEACH COUNTY, a political subdivision,

Defendant.
_____/

SHARON R. BOCK, in her Official Capacity as the Clerk & Comptroller of Palm Beach County, Florida,

Intervenor.
_____/

PLAINTIFFS' RESPONSE IN OPPOSITION TO THE INSPECTOR GENERAL'S MOTION TO INTERVENE

Plaintiffs, TOWN OF GULF STREAM, et al. (the "Municipalities"), by and through their undersigned counsel, hereby file this Response in Opposition to the Inspector General of Palm Beach County's Motion to Intervene in this proceeding, and state as follows:

A. History of Proceedings.

In November of 2010, the voters of Palm Beach County (the "County") approved a referendum amending the County Charter to create a countywide Office of Inspector General

(the "OIG"). In October of 2011, the County, through the Palm Beach County Clerk & Comptroller, sent bills to all municipalities within the County for costs associated with the OIG Program. The bills were sent pursuant to Palm Beach County Ordinance No. 2011-009 (the "Ordinance"), a copy of which is attached hereto as Exhibit 1. Both the Ordinance and the bills indicate that payment was to be made to the County, not to the OIG.

On November 14, 2011, the Municipalities filed a Complaint seeking declaratory relief that the County's charges for the OIG Program are unlawful. On December 1, 2011, Sharon R. Bock, in her Official Capacity as the Clerk & Comptroller of Palm Beach County (the "Clerk & Comptroller"), was permitted to intervene in the case. The Clerk & Comptroller had standing to intervene because her Office is established by the Florida Constitution as an independent constitutional officer with the capacity to sue and be sued. The Clerk & Comptroller seeks direction from the Court as to what her Office's obligations are under the Ordinance given the legal challenge from the Municipalities. On December 5, 2011, the County filed its Answer. Affirmative Defenses and Counterclaim demanding payment from the Municipalities.

On December 21, 2011, this Court entered an Agreed Order staying the litigation until the parties completed the required inter-governmental dispute resolution process outlined in Chapter 164 of the Florida Statutes. The last step in the dispute resolution process, which was mediation, was completed on May 18, 2012, and resulted in an impasse. On June 19, 2012, this Court entered an Order lifting the stay on the litigation.

B. <u>The OIG's Motion to Intervene</u>.

On June 7, 2012, before the stay of the litigation was lifted, the OIG filed a Motion asking to intervene in the proceedings with full party status. In support of this Motion, the OIG alleges that the County is not adequately representing its interests. The OIG also alleges that it has standing to intervene because it is "independent" of the County. The OIG states that if it is

permitted to intervene, the OIG intends on filing a motion to dismiss the Municipalities' Complaint, a motion to dismiss the Clerk & Comptroller's Complaint in Intervention, and two "crossclaims" seeking writs of mandamus against the Municipalities and the Clerk & Comptroller.

C. **The OIG Should Not Be Permitted to Intervene in This Case.**

The County has filed a Response in Opposition to the OIG's Motion to Intervene and argues that while the OIG is functionally independent of the County, the OIG is not legally independent of the County. The OIG is not a separate legal entity for purposes of suing or being sued. The OIG also has no standing to intervene in this lawsuit. Therefore, the OIG should not be permitted to intervene in these proceedings.[1] The Municipalities support and adopt the legal arguments contained in the County's Response in Opposition on these issues.

It also is important to note that the express terms of the Ordinance that created the OIG prevent it from intervening in this case. Section 2-429(7) of the Ordinance provides:

> The Office of the Clerk and Comptroller shall invoice the county and each municipality one-fourth of the proportionate share as adjusted on October 10, January 10, April 10 and July 10 of each year. Payment shall be submitted to the [County] and due no later than thirty (30) days from the date of the invoice. Upon receipt, all funds shall be placed in the Office of Inspector General, Palm Beach County, Florida Special Revenue Fund. **In the event payment is not timely received, the county or any municipality in compliance with this section may pursue any available legal remedy.** (emphasis added).

This Section clearly states that if a municipality does not pay the County's charges for the OIG Program, then the only entities that can sue are the County or any municipality that has paid. The Ordinance expressly excludes the OIG from this list of parties that can sue for non-payment. When an ordinance expressly provides the manner of doing a thing, it cannot be done another

[1] For these same reasons, the OIG does not have standing to file its own action against the Municipalities and move to consolidate it with this proceeding. See Motion to Intervene at p. 7.

way. See e.g., Bush v. Holmes, 919 So. 2d 392, 408 (Fla. 2006) (general principle of statutory construction is "expression unius est exclusio alterius" or "the expression of one thing implies the exclusion of another"); Thayer v. State, 335 So. 2d 815, 817 (Fla. 1976) (same).

D. Prejudice to the Municipalities.

Despite the OIG's argument to the contrary, the OIG's intervention as a full unsubordinated party in this case will prejudice the Municipalities. See Motion to Intervene at p. 7. The Municipalities are filing a Motion for Partial Summary Judgment shortly. This Motion, if granted, could resolve the case. The OIG, however, has stated that it intends to file two (2) legally unsupported motions to dismiss and two (2) legally unsupported "crossclaims" for writs of mandamus if it is allowed to intervene. See Motion to Intervene at p. 8. The Municipalities are concerned that the OIG's filings will interfere with the scheduling of a hearing on their Motion for Partial Summary Judgment, and will also unnecessarily prolong the litigation.

Moreover, the law of intervention provides that an intervenor must accept the pleadings of the case as it finds them at the time of intervention. See e.g., Arsali v. Chase Home Finance, LLC, 79 So. 3d 845, 847 (Fla. 4th DCA 2012); Omni Nat'l Bank v. Georgia Banking Company, 951 So. 2d 1006, 1007 (Fla. 3d DCA 2007). The intervenor is not permitted to contest the plaintiff's claim. Omni Nat'l Bank, 951 So. 2d at 1007. The OIG's proposed pleadings go against these established intervention principles.

WHEREFORE, the Municipalities respectfully request that this Court deny the Office of Inspector General's Motion to Intervene in its entirety, and grant such other and further relief as deemed just and proper under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail to: Andrew J. McMahon, Esq., Chief Assistant County Attorney, P.O. Box 1989, West Palm Beach, Florida 33402, Martin Alexander, Esq., Holland & Knight, LLP, 222 Lakeview Avenue, Suite 1000, West Palm Beach, Florida 33401, Nathan A. Adams, IV, Esq., Post Office Drawer 810, Tallahassee, Florida 32302, and Robert B. Beitler, Esq., General Counsel for Office of the Inspector General, Palm Beach County, P. O. Box 16568, West Palm Beach, FL 33416, this _____ day of June, 2012.

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