



SPECIAL HEARING TO REMOVE PAM DONOVAN FROM THE BOARD OF ZONING APPEALS FOR CAUSE

FEBRUARY 10, 2014

Pursuant to due notice, a Board Member hearing by the Commission of the City of Altamonte Springs, Seminole County, was held in City Hall Chambers located at 225 Newburyport Avenue, in said City on February 10, 2014 at 9:00 a.m. Notice was sent to Pam Donovan via certified mail, return receipt.

PRESENT WERE: Commissioners Batman, Reece, Wolfram, Hussey and Mayor Bates

ALSO PRESENT WERE:

Frank Martz	-	City Manager
Skip Fowler	-	City Attorney
Erin O'Donnell	-	City Clerk

ATTENDING AFTER GAVEL: Pam Donovan - Board of Zoning Appeals Member

Mayor Bates called the Special Hearing to order at 9:00 a.m. Ms. Donovan was not present at the meeting when the meeting was gaveled open.

Mr. Fowler presented the Commission with a review of the charges against Ms. Donovan, including copies of the correspondence, application and charge sheet provided to each Commission member; a copy of which is incorporated into these minutes.

Mr. Fowler stated that Ms. Donovan was provided same and was notified of the hearing via certified mail. Mr. Fowler noted for the record that Ms. Donovan was not currently in Chambers despite notice and recommended the City Commission move forward.

At that time, Ms. Donovan arrived late for her hearing stating she thought her hearing was at 10:00 a.m., though she arrived only a few minutes after the starting time shown on her notice of 9:00 a.m.

Mayor Bates asked Ms. Donovan if she would like to address the charges.

Ms. Donovan approached the speaker's podium to address the City Commission regarding the charges compiled by the City Attorney after his inquiry of Ms. Donovan's application.

Ms. Donovan stated she felt the charges were political rather than related to the falsifications on her application, and she did not address whether or not she was a legal resident of Altamonte Springs at the time of her application. Ms. Donovan said that she lived full-time in Altamonte Springs for a year and two years part-time, but did not address when or if she was a legal resident of Altamonte Springs at the time of her application.

Ms. Donovan stated that she was accepting of her removal and stated that she felt the removal was due to political reasons. Ms. Donovan stated she "did not like" the accusations that she falsified and lied on her application, though she did not address whether she was a resident of Altamonte Springs at the time of her application. She stated that the Altamonte Springs Charter did not specify the kind of resident one was required to be. However, she did not address the charge as to whether she was a resident under the Charter. Mr. Fowler pointed out in the attached materials that the Charter requires one to be a resident. Ms. Donovan conveyed that because she was retiring, she contacted the City Clerk's office to see if there were any openings. Because there were none, her application was submitted and placed on file. Ms. Donovan stated that she was appointed to the Board of Zoning Appeals in April 2013. (Note: Ms. Donovan was actually appointed in March 2013.) She noted that at the time of her appointment, she was a full-time resident. She did not address whether she was a resident under the Charter at the time of her application.

Ms. Donovan concluded her comments without addressing the charges, other than to state that she "did not like" the charges, and argued that the Charter did not specify the kind of resident that one needed to be.

Mr. Fowler addressed the Commission and noted that Ms. Donovan's testimony was, in fact, consistent with the charges brought against her. Mr. Fowler noted that the answers provided on the application by Ms. Donovan seemed to be a deliberate attempt to either deceive or mislead the City and that the facts and testimony provides just cause for her removal.

Commissioner Batman addressed Ms. Donovan and stated that he did not see the political nature of the removal but rather an act by the Commission to abide by the intent of the City Charter. Commissioner Batman noted that Ms. Donovan, as a former elected official and City Commissioner at the City of Margate, should have understood the intent of the Charter and board membership. He stated that he had no problems with her serving on a board in the future once she's successfully met all of the City's requirements, but he disagreed that this was political.

Mayor Bates called for more discussion or a motion.

Commissioner Hussey moved to find Cause to remove Pam Donovan from the Board of Zoning Appeals in accordance with Section 3.4.1.1.4 City of Altamonte Springs Land Development Code. The motion was seconded by Commissioner Batman and carried unanimously.

The meeting adjourned at 9:05 a.m.

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February 10, 2014

Page 3 of 3

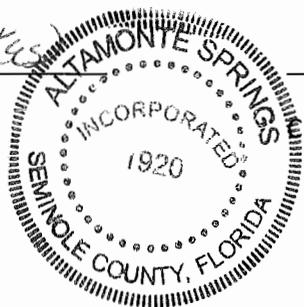
ATTEST:

Pat Bates

Erin Donnell

MAYOR

CITY CLERK





January 10, 2014

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Pam Donovan
630 Steamboat Court, #177
Altamonte Springs, Florida 32714

Dear Ms. Donovan:

Enclosed is your charge sheet. A hearing on same has been set for Monday, February 10, 2014 at 9:00 a.m. in the Altamonte Springs City Commission Chambers, 225 Newburyport Avenue, Altamonte Springs, Florida.

Should you elect to tender your resignation from the Altamonte Springs Board of Zoning Appeals, then the hearing will be cancelled and the matter closed.

Should you have questions, you may call my office at 407.425.2684.

Sincerely,

CITY OF ALTAMONTE SPRINGS

A handwritten signature in black ink, appearing to read "James A. Fowler", is written over the typed name.

James A. Fowler
City Attorney

cc Altamonte Springs City Commission

CHARGE SHEET

REMOVAL FROM THE ZONING BOARD OF APPEALS AND ADJUSTMENT FOR CAUSE:

1. Pam Donovan ("Respondent") filed the attached City of Altamonte Springs Applicant Information Form (Exhibit "A") on January 10, 2013. In same Respondent stated that she was a Resident of the City of Altamonte Springs.
2. At the time of the City of Altamonte Springs Applicant Information Form, and for approximately twenty (20) years prior thereto, Respondent was then currently a City Commissioner of Margate, Florida. Respondent continued in said office through January 31, 2013.
3. Residency in the City of Margate is a requirement for holding the position of Margate City Commissioner.
4. One cannot be a Resident of two different cities simultaneously.
5. Respondent on the January 10, 2013, City of Altamonte Springs Applicant Information Form indicated that she had been a full-time Resident for one year and a part-time resident for two years.
6. Upon inquiry, copy attached as Exhibit "B", Respondent replied, copy attached as Exhibit "C", that her full-time Residency in Altamonte Springs was over 30 years prior. She did not address the question directed to her claim to be a Resident of Altamonte Springs while at the same time serving as a Margate City Commissioner nor did she indicate when the part-time residency took place.
7. In addition to indicating that Respondent was an Altamonte Springs Resident on the City of Altamonte Springs Applicant Information Form, Respondent indicated that she was a registered voter, which perhaps she was in Margate. The form, however, was clearly inquiring about Altamonte Springs.
8. Upon further inquiry, copy attached as Exhibit "D", Respondent replied, copy attached as Exhibit "E". Under Respondent's apparent interpretation of residency someone spending the night at the Hampton Inn could claim to be an Altamonte Springs Resident.
9. Respondent has failed to accurately and forthrightly complete her Altamonte Springs Applicant Information Form of January 10, 2013. Rather than acknowledging and admitting to her error the Respondent has defended same,

resorting to a clearly inappropriate and incorrect definition of Resident and feigning ignorance of the purpose and meaning of the form.

Respondent's conduct in:

- a. Claiming to be a Resident of Altamonte Springs while at the same time serving as a City Commissioner of Margate;
- b. Failing to disclose that her prior "full-time residency" was over 30 years prior to her Applicant Information Form. While perhaps not technically incorrect, is certainly and intentionally misleading as is her indication that she was an Altamonte Springs registered voter;
- c. Resorting to obfuscation in her second response to the City's inquiries,

call into question the Respondent's veracity, candor and reliability sufficient to warrant removal from her position on the Zoning Board of Appeals and Adjustment for cause.

It is so recommended.

EXHIBIT A

CITY OF ALTAMONTE SPRINGS APPLICANT INFORMATION FORM

This Applicant Information Form, when completed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.

YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. PLEASE CALL OR WRITE THE CITY CLERK'S OFFICE TO ADVISE OF ANY CHANGES.

Please Type, if possible (or print clearly)

Date: 1-10-2013

Name: Donovan AM
(Last) (First) (Middle)

*Address: Home 630 Steamboat Ct. Zip Code _____
#177
 Business Altamonte Springs FL Zip Code 32714

Phone: Home: 407 756 9019 Business: _____

*Please check box for preferred mailing address.

Employer: Remax Select

Position/Occupation: Realtor How Long: 4 yrs

Education: Post secondary educational institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>Broward Community College</u>	<u>84-85</u>	<u>N/A</u>
<u>Andrew Jackson University</u>	<u>2002-2003</u>	<u>N/A</u>

Have you ever held a professional license or certificate? Yes No If "Yes, please provide the title, issue date and issuing authority:

License/Certificate Title	Issue Date	Issuing Authority
<u>Realtor Associate</u>	<u>2-5-2008</u>	<u>DBPR</u>

Board(s) Preferred: Code Enforcement - Board of Adjustment

Do you wish to be considered for other Board: Yes No

- | | | | |
|--|---|--|-----------------------------------|
| | | | City Commission District <u>3</u> |
| 1. Are you a City of Altamonte Springs Resident? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |
| 2. Are you a registered voter? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Precinct _____ |
| 3. Are you currently serving on a City Board? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |
| 4. Have you ever served on a City Board? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | |
| If yes, which Board and when? _____ | | | |
| 5. How long have you lived in Altamonte Springs? | <u>1 year full time</u> Years | | |
| 6. Personal/Professional References | <u>2 years part-time</u> | | |
| Name | Address | Phone | |

(Continued on Reverse Side)

Continued from Reverse

Work Experience: Retired Mayor/Commissioner, Publisher
Public Information officer, Deputy City Clerk and
Executive Director Non Profit

Community Involvement: Chamber, Habitat for Humanity

Interests/Activities: Reading Spending time with family
and friends

Why do you desire to serve on this/these Board(s)? I have a vast
knowledge of City Government and I want
to be involved in my City.

A resume or separate sheet with additional information may be included.

Please be aware that City and Florida law requires that members of certain boards file a detailed financial disclosure form.

If you have any questions, please call the Office of the City Clerk (407-571-8121). Return this form to:
City Clerk, 202 Newburyport Avenue, Altamonte Springs, Florida 32701

City Clerk Use Only:

Application Received _____
Application Acknowledged _____
Forwarded to Commission _____
Commission Action _____

July 2002

EXHIBIT B



225 Newburyport Avenue
Altamonte Springs, Florida 32701-3697

November 22, 2013

Pam Donovan
630 Steamboat Court #177
Altamonte Springs, Florida 32714

Dear Ms. Donovan,

I write to you as the City Attorney for the City of Altamonte Springs, Florida, in connection with your position as a member of the City's Board of Zoning Appeals (BZA).

There are certain inconsistencies in connection with your application for appointment to the BZA (attached) and your position as City Commissioner for the City of Margate, Florida, in Broward County. Specifically, you indicated on your application which you submitted to the City of Altamonte Springs dated January 10, 2013, that you were at that time a resident of the city and had resided full time in the city for a year.

I am advised that you were a City Commissioner of the City of Margate as of January 10, 2013, and had been a Margate City Commissioner for approximately twenty-one (21) years and continued in office as a Margate City Commissioner until January 30, 2013. To my understanding, residency in the City of Margate is a requirement for holding the office of Margate City Commissioner. Accordingly, can you please explain your City of Altamonte Springs' application on which you stated on January 10, 2013, that you were a resident of Altamonte Springs and had so resided in Altamonte Springs full time for a year; despite the fact that you held elective office in Margate during that same time?

If your application is accurate, then you may wish to contact the City of Margate so that it might determine whether your lack of residency in Margate while serving as a City Commissioner there might affect any decisions or actions of the Margate City Commission in 2012 and January 2013.

Would you please address this matter and the apparent inconsistency between your application and your position as Margate City Commissioner?

Please respond to this inquiry prior to December 21, 2013.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "James A. Fowler", is written over the typed name.

James A. Fowler, Esq.
City Attorney

Continued from Reverse

Work Experience: Retired Mayor/Commissioner, Publisher,
Public Information Officer, Deputy City Clerk and
Executive Director Non Profit

Community Involvement: Chamber, Habitat for Humanity

Interests/Activities: Reading Spending time with family
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Why do you desire to serve on this/these Board(s)? I have a vast
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to be involved in my City.

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Commission Action _____

July 2002

EXHIBIT C

James A. Fowler, Esq.
City Attorney
City of Altamonte Springs
225 Newburyport Ave., Altamonte Springs

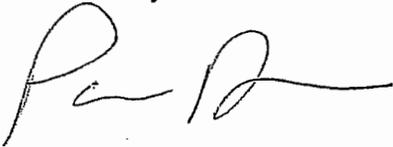
Dear Mr. Fowler

I am responding to your official letter of Nov.22, 2013.

I must apologize for the misunderstanding on my Board application. The question asked how long you have lived in Altamonte, because there is no requirement for the amount of time to have lived in the City to be appointed, I listed the full year that I lived in Altamonte from June 1980 to June 1981 after my husband was honorably discharged from the Air Force.

Again, I am sorry for the confusion and I hope this clears up the matter.

Thank you

A handwritten signature in cursive script, appearing to read "Pam Donovan".

Pam Donovan

EXHIBIT D



December 9, 2013

Pam Donovan
630 Steamboat Court, #177
Altamonte Springs, Florida 32714

Dear Ms. Donovan,

I am in response to your letter dated December 3, 2013, which was in reply to my letter of inquiry dated November 22, 2013.

I inquired as to apparent inconsistencies in your application to become an appointee to the Altamonte Springs Board of Zoning Appeals (BZA). Your application, my letter to you, and your response are attached hereto for reference.

The inconsistencies on the application are two-fold. First, and most significantly, you stated that you were an Altamonte Springs Resident as of January 10, 2013 despite simultaneously being a City Commissioner in the City of Margate, in Broward County. Second, in your BZA application you were asked how long you have lived in Altamonte Springs. You stated on your application that you have lived in Altamonte Springs for "1 year full time" and "2 years part-time" prior to your application for appointment on January 10, 2013; although at the time, and for the previous twenty years, you were an elected official in Margate.

The most important issue here is Residency. Your letter of December 3rd ignores my request that you address the issue of Residency. You held elective office in the City of Margate, Florida on the date of your application to the City, though you indicated you were a Resident of Altamonte Springs on the BZA application. As a long time elected official, you undoubtedly understand the term "Resident." Since you cannot simultaneously be a Resident of both Altamonte Springs and of Margate, I asked you to address this issue. You did not. Insofar as you were an elected official in Margate at the same time you stated you were a Resident of Altamonte Springs, you either were not qualified to hold office in Margate because you were a Resident of Altamonte Springs or, if you legally held office in Margate, then you were not a Resident of Altamonte Springs as you stated. In either event, there appears to be a potentially significant issue on this matter which you did not address.

As to the second issue of how long you have lived in the City, you indicated that you had been living in the City for "one year full time" and "two years part-time" as of January 10, 2013. In your December 3rd letter, you did offer an explanation. In your response, you advised that you misunderstood the meaning of the question, "How long have you lived in Altamonte Springs?" You apparently believed that living in Altamonte Springs from June 1980 to June 1981, more

Inquiry re: Pam Donovan, cont.
December 9, 2013

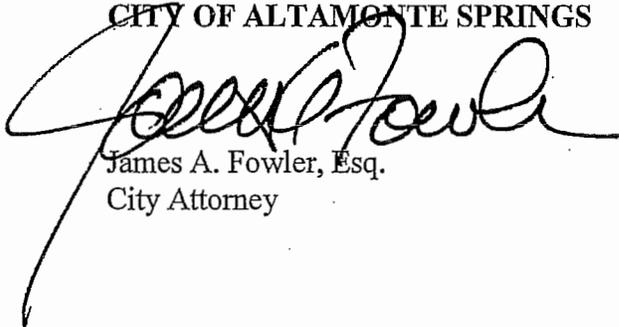
than three decades ago, to be responsive to the question, "How long have you lived in Altamonte Springs?" You did not address the time-frames in which you lived in Altamonte Springs part-time. Your answer on your application, if not incorrect, is certainly misleading.

The inconsistencies in your responses raise grave concerns. So much so that the Altamonte Springs City Commission is considering holding a public hearing in January to review these apparent inconsistencies. The findings at this hearing could result in the Commission removing you from your seat on the Altamonte Springs Board of Zoning Appeals. However, if were to choose to surrender your seat the Commission would almost certainly table the matter.

Please advise as to your course of action.

Sincerely Yours,

CITY OF ALTAMONTE SPRINGS

A handwritten signature in black ink, appearing to read "James A. Fowler", is written over the typed name and title.

James A. Fowler, Esq.
City Attorney

Enclosures.

James A. Fowler, Esq.
City Attorney
City of Altamonte Springs
225 Newburyport Ave., Altamonte Springs

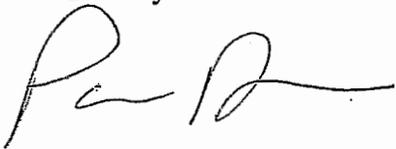
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Thank you

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Pam Donovan



225 Newburyport Avenue
Altamonte Springs, Florida 32701-3697

November 22, 2013

Pam Donovan
630 Steamboat Court #177
Altamonte Springs, Florida 32714

Dear Ms. Donovan,

I write to you as the City Attorney for the City of Altamonte Springs, Florida, in connection with your position as a member of the City's Board of Zoning Appeals (BZA).

There are certain inconsistencies in connection with your application for appointment to the BZA (attached) and your position as City Commissioner for the City of Margate, Florida, in Broward County. Specifically, you indicated on your application which you submitted to the City of Altamonte Springs dated January 10, 2013, that you were at that time a resident of the city and had resided full time in the city for a year.

I am advised that you were a City Commissioner of the City of Margate as of January 10, 2013, and had been a Margate City Commissioner for approximately twenty-one (21) years and continued in office as a Margate City Commissioner until January 30, 2013. To my understanding, residency in the City of Margate is a requirement for holding the office of Margate City Commissioner. Accordingly, can you please explain your City of Altamonte Springs' application on which you stated on January 10, 2013, that you were a resident of Altamonte Springs and had so resided in Altamonte Springs full time for a year; despite the fact that you held elective office in Margate during that same time?

If your application is accurate, then you may wish to contact the City of Margate so that it might determine whether your lack of residency in Margate while serving as a City Commissioner there might affect any decisions or actions of the Margate City Commission in 2012 and January 2013.

Would you please address this matter and the apparent inconsistency between your application and your position as Margate City Commissioner?

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James A. Fowler, Esq.
City Attorney

**CITY OF ALTAMONTE SPRINGS
APPLICANT INFORMATION FORM**

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YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. PLEASE CALL OR WRITE THE CITY CLERK'S OFFICE TO ADVISE OF ANY CHANGES.

Please Type, if possible (or print clearly) Name: Donovan Pam Date: 1-10-2013
 (Last) (First) (Middle)

*Address: Home 630 Steamboat Ct. #177 Zip Code _____
 Business Altamonte Springs Fl Zip Code 32714

Phone: Home: 407 756 9019 Business: _____

*Please check box for preferred mailing address.
 Employer: Remax Select
 Position/Occupation: Realtor How Long: 4 yrs
 Education: Post secondary educational institutions attended:

Name & Location	Dates Attended	Degrees Earned
<u>Briarwood Community College</u>	<u>84-85</u>	<u>N/A</u>
<u>Andrew Jackson University</u>	<u>2002-2003</u>	<u>N/A</u>

Have you ever held a professional license or certificate? Yes No If "Yes, please provide the title, issue date and issuing authority.

License/Certificate Title	Issue Date	Issuing Authority
<u>Realtor Associate</u>	<u>2-5-2008</u>	<u>DBPR</u>

Board(s) Preferred: Code Enforcement - Board of Adjustment
 Do you wish to be considered for other Board: Yes No

	Yes	No	City Commission District	Precinct
1. Are you a City of Altamonte Springs Resident?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>3</u>	
2. Are you a registered voter?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
3. Are you currently serving on a City Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4. Have you ever served on a City Board?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
If yes, which Board and when? _____				
5. How long have you lived in Altamonte Springs?	<u>1 year full time</u> Years			
6. Personal/Professional References	<u>2 years part-time</u>			
Name	Address	Phone		

Continued from Reverse

Work Experience: Retired Mayor/Commissioner, Publisher
Public Information Officer, Deputy City Clerk and
Executive Director Non Profit

Community Involvement: Chamber, Habitat for Humanity

Interests/Activities: Reading Spending time with family
and friends

Why do you desire to serve on this/these Board(s)? I have a vast
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to be involved in my City.

A resume or separate sheet with additional information may be included.

Please be aware that City and Florida law requires that members of certain boards file a detailed financial disclosure form.

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City Clerk Use Only:

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Commission Action _____

July 2002

EXHIBIT E 12-31-13A03:35 RCVD

James A. Fowler, Esq.
City Attorney
City of Altamonte Springs
225 Newburyport Ave., Altamonte Springs

Dear Mr. Fowler

I am responding to your official letter of Dec 9, 2013.

I am now confused by your interpretation on my board application. I did indeed state on January 10, 2013 when I filled out my board application I was a resident of Altamonte Springs. I had been a part time resident since 2011. I split my time here and in Margate. I did state one year as a full time resident and yes it was in the 80's but again it was a fact. I am sorry that has caused you so much dismay, but I was a full time resident at that time.

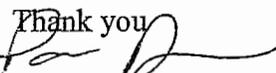
Both the City of Altamonte and the City of Margate Charters only require you to be a resident and fulfill the duties of the office held. Neither Charter states that you have to be a full time resident. As a City Attorney you should know this. If this bothers your office, your job would be to have the Charter changed to reflect only full time residents may serve on a City Board.

As an Attorney, you should know that making an inference that I filled out the application Jan.10, 2013 implied I was a full time resident is just your interpretation and not actual fact. I was again a resident albeit part-time but a resident as defined in Webster.

While it is true, I could not have legally served on the board had I been appointed prior to Jan 31, 2013. Prior to filling out the application, I spoke to the City Clerk's office which advised there were no openings at that time and to fill out the application and they would keep it on file. When the Commission did appoint me to the board, I was no longer a City Commissioner in Margate.

As to your suggestion, that I resign or the Commission will hold a hearing and remove me from the board. I choose the hearing by the City Commission because I did nothing wrong.

Thank you


Pam Donovan

CC: Orlando Sentinel: SC Post: WESH 2 News