

After a sewage back flow accident, City Attorney Brown allowed the city to purchase Commissioner Rick Shiver's home for \$385,000, \$165,000 more than 'Just Value' as stated by the Volusia County Property Tax Appraiser's office. Brown allowed the use of a single appraisal paid for by Shiver. Though Shiver 'only' requested \$100,000 in 'stigma damages' Brown allowed the City Commission to purchase and then demolish Shiver's home after it had been remediated (cleaned) and was able to be occupied. (See List of Shame for evidence)

City Attorney Brown stated Visioning Plan volunteers could vote on items to be included without violating Sunshine Law. Two weeks later he did nothing when Planning Board Chairperson Edith Shelley stated committee volunteers could not vote on items to be included in the Visioning Plan because it violated Sunshine Law.

A major fraud was perpetrated by employees of the Daytona Beach Redevelopment and Planning Departments during the summer of 2007. It involved a density bonus increase for Beach Street Condos Site Plan Dev-2006-140-Residential Planned Unit Development (RPUD). (Go to List of Shame, Questionable & Illegal Acts-Paragraph 3 for details).(Click here for evidence)City employees deliberately falsified the Staff Report provided to the City Commission changing "Public Benefit" statements and illegally adding "points" to assist BOCA Developers in adding 97 more condominium units to their Beach Street project. Comments such as "Project is not providing any additional public benefits" on page five were simply deleted. This project has 25% less parking than required by the State, a tiny public park and the developer only paid \$1.5 million to the city for sewer/utility work, additional parking and 97 additional condominium units. Since the "land value" of each condominium unit is approximately \$80,000, taxpayers are losing over \$6 million in land value density trades as well as being underpaid for the additional parking and public utility costs this project requires. When a resident pointed out these fraudulent changes during a city commission meeting, the issue was put on hold. Eventually one city employee was fired, another quit and a third retired from the departments involved. The city attorney's office did nothing to investigate this matter fully including the potential of filing criminal charges against city employees that conspired in this fraud. They again failed in their responsibility to minimize taxpayers risk and loss. (Click her for fraudulent changes made by city employees.)

Against State Law, City Attorney's office allowed Daytona's Public Utility Department to illegally pay \$425,000 for privately owned back-flow valves to be moved, at LPGA's 'Lion's Paw' development. This also violated City ordinance by not placing project out to bid. (Click here for the evidence).

Poor Or No Legal Advice From the City Attorney Regarding Ethical Issues
Did not advise City Management and Commission that acceptance of free yacht club memberships is a conflict of interest and potential state ethics violation.

Did not advise City Commission that acceptance of free racing event tickets is a conflict of interest and a potential state ethics violation.

Did not advise past Mayor Yvonne Scarlet-Golden, that acceptance of free plane rides from Daytona Beach businesses is a conflict of interest and a potential state ethics violation.

Wasting Our Tax Dollars

Even with five full time lawyers on city payroll in 2006, our City Attorney's office managed to spend \$545,000, for independent law firms to negotiate city employee union contracts, acquire property for a new Midtown subdivision and a federal court appeals against adult entertainment. (Click here for the facts).

They've increased the City Attorney's budget by at least 25% annually for the past six years and requested a 46% budget increase from 2007-2008. (Click Here for The Evidence).

Misuse Of CRA Funds

An audit of Dayton's City Redevelopment Area (CRA) funds performed by the State Auditor General, uncovered numerous violations and lack of oversight by the Daytona Beach City Attorney. (Click here for the full audit report).

City Attorney Robert Brown failed in his responsibility to protect taxpayer interests by not providing adequate legal advice and oversight for city management and elected officials to follow, regarding the use of CRA tax increment funds. His failure resulted in the violation of state laws, city ordinances and generally accepted accounting practices by Daytona city management and elected officials.

Several CRA expenditures were not authorized or in accordance with state law, resulting in the city being immediately forced to reimburse \$611,000 back to the CRA's funds out of the city budget. Over \$700,000 in expenses paid out didn't have proper receipts or documentation and may also have to be reimbursed back to the CRA's as well. Additional violations include: Hundreds of thousands of dollars in CRA funds were used and payments made, without having contracts or written agreements specifying the purpose of these payments.

The purchase of real estate without the use of an appraisals by the City of Daytona Beach.

In one instance, the city paid \$400,000 more than the highest appraisal, for the real estate.

The city awarded a \$150 million contract to a developer (Geary), the only respondent to a request for qualifications and proposals (RFQP). The developer failed to provide key financial information as required by city ordinance and was still granted the contract.

Against state law the city used CRA funds for seven special event promotional expenses such as 'Bike Week' and 'The Beach Street Barbeque Festival,' These promotional expenditures do not qualify as 'redevelopment' and violate section 163.340, Florida Statutes.

As the chief legal officer of Daytona Beach government, our city attorney is responsible for legal oversight in all areas of city government. Allowing real estate purchases without appraisals, \$400,000 in real estate overpayments and city employees to violate Florida law in their spending of CRA funds is not acceptable.