



Office of the
**INDIAN RIVER COUNTY
ADMINISTRATOR**

Jason E. Brown, County Administrator
Michael C. Zito, Assistant County Administrator

MEMORANDUM

TO: Members of the Board of County Commissioners

FROM: Jason E. Brown
County Administrator

DATE: May 30, 2022

SUBJECT: Appeal of a Decision of a County Officer—Deborah Cooney

In accordance with Section 100.06 (2), any person aggrieved by a final decision of a county officer may appeal to the Board of County Commissioners.

On Feb 24, 2022, the IRC Office of Management and Budget received a Small Business Recovery Grant application from Deborah Cooney (which, incidentally, the County was unaware was being processed). This fell outside the deadlines approved by the Board of County Commissioners. On November 16, 2021, the Board approved a sunset date of December 31, 2021 to process any grant applications received by November 19, 2021, however an allowance was made for completing some details such as SAM.gov registration through January 31, 2022. Staff provided an update to the Board of County Commissioners on February 8, 2022, where four (4) applications already in process received an extension to February 28, 2022. Mrs. Cooney's application was not included in this group of applications.

On March 4, 2022, I informed Ms. Cooney via email that her request for the grant was denied due to ineligibility. It was determined that her business losses were not COVID-related. Mrs. Cooney has filed a lawsuit against numerous defendants, including the County, claiming loss of income of \$1 million in lost earnings, plus \$2 million in future loss of earnings due to factors not related to COVID-19. These losses well exceeded any claimed losses from COVID-19 per Mrs. Cooney's application. Furthermore, the application was not completed by the January 31, 2022 deadline for the program, making it ineligible on its face.

On March 6, 2022, Ms. Cooney supplied via email a request to resubmit her application with the "correct information."

On March 8, 2022, Ms. Cooney hand-delivered a signed and notarized document to the Indian River County Chamber of Commerce summarizing the information supplied in the March 6, 2022 email.

On March 9, 2022, via email, I acknowledged the receipt of the additional information but denied her request for reconsideration of the initial denial. On March 17, 2022, Mrs. Cooney stated her intention to appeal the final decision of the County Administrator to the Board of County Commissioners. On March 22, via email, the County Attorney acknowledged her request to appeal and informed her of the scheduled date, being today, April 5, 2022.

In Mrs. Cooney's appeal, she also claimed that Commissioner Flescher must recuse himself from the decision "due to a conflict of interest". Staff has asked the County Attorney whether Commissioner Flescher is required to recuse himself and the County Attorney has determined that this claim is not valid and he is allowed to vote on this matter.

Staff Recommendation

Staff recommends that the Board of County Commissioners find that Mrs. Cooney's application does not qualify for the Small Business Recovery Grant program based upon the information presented and deny the appeal presented by Ms. Cooney.

Attachments:

1. Initial Receipt of Application from IRC Chamber of Commerce to Budget, Feb 24th
2. Email to Applicant from County Administrator, denying grant, Mar 4, 2022
3. Email from Applicant supplying additional information, March 6, 2022
4. Notarized Statement from Applicant, Mar 8, 2022
5. Email to Applicant from County Administrator, denying reconsideration, Mar 9, 2022
6. Email from County Attorney, accepting request to filing for appeal, Mar 22, 2022
7. Summons for Civil Action Deborah Cooney vs. Molly C. Dwyer et al
8. Small Business Grant Application