

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, March 10, 2017

*First Floor Hearing Room, Florida Commission on Offender Review
4070 Esplanade Way
Tallahassee, Florida*

PUBLIC SESSION MINUTES

At 8:34 a.m. Chair Matt Carlucci called the meeting to order with the following members present:

JASON BERGER
DANIEL BRADY
MATTHEW CARLUCCI
MATTHEW CARSON
MICHAEL COX
GUY NORRIS
KIMBERLY REZANKA
STAN WESTON

Commissioner Michelle Anchors was absent from the meeting.

The presence of a quorum was noted.

Commissioner Carlucci thanked former Commissioner Tom Freeman for his public service with the Commission, and he introduced new Commission Member, Jason Berger. Commissioner Berger introduced himself.

Commissioner Weston, seconded by Commissioner Norris, moved to approve the minutes of the January 27, 2017, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 15-183, In re TODD ABBOTT

Present were Catherine Chapman, Attorney for the Respondent, and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed stipulation calling for the finding of violation of Sections 112.313(7)(a) and 112.3143(3)(a), Florida Statutes, and a civil penalty of \$3,500.

Ms. Chapman was heard by the Commission.

Commissioner Cox, seconded by Commissioner Rezanka, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – RECOMMENDED ORDER

Complaint No. 15-088, In re STEPHAN CARTER

Present were Stephan Carter, Respondent, and Elizabeth A. Miller, Commission Advocate.

The Commission declined consideration of the Respondent's Memorandum of Law because it was untimely and unauthorized; and did not consider the Advocate's Motion to Strike the Memorandum.

Senior Attorney Betsy Daley was heard by the Commission.

Ms. Miller recommended that the Commission find a violation of Section 112.313(6), Florida Statutes, pursuant to the Recommended Order of the ALJ, and recommend public censure and reprimand, and a civil penalty of \$10,000, to the Governor.

Mr. Carter was heard by the Commission.

Commissioner Carson, seconded by Commissioner Cox, moved to adopt the draft Final Order prepared by staff, in order to adopt the Recommended Order of the ALJ and add the additional \$10,000 civil penalty. The motion carried, with Commissioner Norris voting no.

CONSIDERATION OF LEGAL SUFFICIENCY

Complaint No. 17-012, In re ELAINE POE

Senior Attorney Gray Schafer recommended that the complaint be dismissed as legally insufficient based on the rationale in the written recommendation previously provided to Commissioners.

Commissioner Norris, seconded by Commissioner Carson, moved to approve the staff's recommendation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINION

File 2688. POST-EMPLOYMENT RESTRICTIONS: FORMER DEPARTMENT OF REVENUE SENIOR ATTORNEY REPRESENTING PERSON OR ENTITY BEFORE DEPARTMENT

Present was David Brennan, Requestor.

A handout was provided to the Commission.

General Counsel Chris Anderson explained the basis of the draft advisory opinion and the rationale behind his conclusion.

Mr. Brennan was heard by the Commission.

Commissioner Brady, seconded by Commissioner Berger, moved to approve the opinion as drafted. By unanimous vote, the motion carried.

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

NO HEARING

**FD16-001, In re GEORGE MEYER
FD16-002, In re ANNA KRISTEL
FD16-003, In re MERCEDES BERARD
FD16-004, In re PHILIP A. RHODES
FD16-005, In re KIMBERLY SUE TILLERY
FD16-006, In re CHRISTOPHER JAMES HARTLINE
FD16-007, In re JEAN-PHILIPPE MAILLARD
FD16-008, In re KEVIN MICHAEL HYMAN
FD16-009, In re KAREN MANIE
FD16-010, In re BEVERLY HENRICH
FD16-013, In re JOHN E. JUILIANNA
FD16-014, In re ROBERT NICOLETTE
FD16-015, In re RYAN OSBOURNE
FD16-017, In re RAYMOND C. APPEN**

Commissioner Cox, seconded by Commissioner Brady, moved to approve the staff recommendations regarding the above-referenced appeals. By unanimous vote, the motion carried.

RECONSIDERATION: PROPOSED ORDER RESCINDING COLLECTIONS AND WAIVING FINANCIAL DISCLOSURE FINE

FD15-107, In re CARLTON STANLEY FLEMING

Commissioner Rezanka, seconded by Commissioner Weston, moved to approve the proposed order. By unanimous vote, the motion carried.

CONSIDERATION OF ORDER DECLARING FINANCIAL DISCLOSURE FINE UNCOLLECTIBLE (In re PATRICK CLARINO)

Commissioner Weston, seconded by Commissioner Rezanka, moved to declare the fine uncollectible. By unanimous vote, the motion carried.

REPORTS

The Chair had no report.

Executive Director Virlindia Doss elaborated on her written report previously provided to the Commissioners. She acknowledged Caroline Klancke and Gray Schafer regarding the successful ruling on each of their litigations.

Executive Director Virlindia Doss elaborated on the legislative update previously provided to the Commissioners. She explained the potential impact of the measure regarding the Commission's registering all persons who want to lobby local government entities.

Commissioner Cox moved to strike this provision from the bill. After further discussion, Commissioner Cox withdrew his motion.

To give direction to the Executive Director in responding to the proposal, Commissioner Cox, seconded by Commissioner Norris, moved that the Commission adopt the position that lobby registration is a good idea, but would be best handled at the local level rather than the state level, and if it is at the Legislature's will to place the responsibility with the Commission, it is imperative that we have the resources to effectuate that will. By unanimous vote, the motion carried.

The Chair asked whether there was anyone present who wished to be heard for public comment; there was no one.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 11:16 a.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

Matthew F. Carlucci, *Chair*

Date