

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, December 9, 2016

*Third Floor Courtroom, First District Court of Appeal
2000 Drayton Drive
Tallahassee, Florida*

PUBLIC SESSION MINUTES

At 8:35 a.m. Chair Matt Carlucci called the meeting to order with the following members present:

MICHELLE ANCHORS
DANIEL BRADY
MATTHEW CARLUCCI
MICHAEL COX
GUY NORRIS
KIMBERLY REZANKA
STAN WESTON

The presence of a quorum was noted.

Matthew Carson arrived at 8:55 a.m., and Tom Freeman arrived at 9:10 a.m.

Commissioner Cox, seconded by Commissioner Anchors, moved to approve the minutes of the October 21, 2016, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF DISMISSAL – LACK OF JURISDICTION

Complaint No. 15-069, In re JOSEPH MANNERS

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed dismissal of a complaint made under Section 112.3145(8)(c), Florida Statutes.

Commissioner Rezanka, seconded by Commissioner Norris, moved to approve the recommendation of dismissal. By unanimous vote, the motion carried.

CONSIDERATION OF PROBABLE CAUSE

Complaint No. 15-236, 16-021 (cons.), In re ROBERT A. COLLINS

Present were Mark Herron, Attorney for the Respondent, and Elizabeth A. Miller, Commission Advocate.

Ms. Miller recommended that the Commission find no probable cause regarding the allegation that the Respondent violated Section 112.313(6), Florida Statutes.

Commissioner Weston, seconded by Commissioner Anchors, moved to approve the Advocate's Recommendation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINIONS

File 2685. POST-EMPLOYMENT RESTRICTIONS: FORMER FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION EMPLOYEE REPRESENTING TRUSTEE

Present was Peter Cornais, Requestor.

Staff Attorney Caroline Klancke explained the basis of the draft advisory opinion and the rationale behind her conclusion.

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

File 2686. POST-OFFICEHOLDING RESTRICTIONS: FORMER COUNTY COMMISSIONER ENGAGING IN VARIOUS ACTIVITIES WITHIN TWO YEARS OF VACATING HER PUBLIC POSITION

A handout was provided to the Commission.

Senior Attorney Gray Schafer explained the basis of the draft advisory opinion and the rationale behind his conclusion.

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

CONSIDERATION OF EXECUTIVE BRANCH LOBBYING FIRM FINE APPEAL

L16-003, In re R.DLR & ASSOCIATES, LLC

Staff Attorney Caroline Klancke explained her recommendation to deny the appeal of a \$1,600 fine.

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

CONSIDERATION OF FINAL ORDERS ON FINANCIAL DISCLOSURE FINES WHERE THERE HAS BEEN NO TIMELY APPEAL AND NO PAYMENT

Commissioner Weston, seconded by Commissioner Norris, moved to approve the entry, as put forth by the Commission staff, of Final Orders on financial disclosure fines where there has been no timely appeal and no payment. By unanimous vote, the motion carried.

RECONSIDERATION: PROPOSED ORDER RESCINDING COLLECTIONS AND WAIVING FINANCIAL DISCLOSURE FINE

**FD15-101, In re MANUEL MALGOR
FD15-102, In re RACHEL SHANNON WESTBROOK
FD15-103, In re TORYA WILSON
FD15-104, In re JAMES FRANK SILVERS**

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

CONSIDERATION OF RULEMAKING

Rule Chapter 34-7, F.A.C.

Executive Director Doss explained minor changes to the CE Form 50.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

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

Rule Chapter 34-12, F.A.C.

Staff Attorney Caroline Klancke explained the changes in the CE Form 20-R.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

Commissioner Norris, seconded by Commissioner Anchors, moved to approve the proposed rule changes. By unanimous vote, the motion carried.

CONSIDERATION OF REFERRAL TO FLORIDA BAR

Staff Attorney John Knight gave an explanation of the memo provided the Members.

Commissioner Anchors, seconded by Commissioner Cox, moved to approve the referral of Mr. Robert W. Holland to The Florida Bar.

Commissioner Rezanka, seconded by Commissioner Freeman, moved to call the question. The motion carried, with Commissioner Anchors, Commissioner Carlucci, and Commissioner Weston voting no.

Commissioner Anchors' motion carried, with Commissioner Freeman, Commissioner Norris, and Commissioner Weston voting no.

STAFF REPORT ON PENALTY RECOMMENDATIONS

Executive Director Virlindia Doss elaborated on her written report that was previously provided to the Commissioners.

REPORTS

The Chair had no report.

Executive Director Virlindia Doss elaborated on her written report that was previously provided to the Commissioners. She updated the Commission on the David Rivera case.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 9:51 a.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

Matthew F. Carlucci, *Chair*

Date