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## PRESS RELEASE

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TALLAHASSEE—April 21, 2021—Meeting in Tallahassee on April 16<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 16 matters, Chair JoAnne Leznoff announced today. A finding of probable cause is not a determination a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

The Commission found no probable cause to believe Jacksonville Beach City Council Member **PAUL VOGELSANG** misused his position relating to the production of festivals held in the City or that he misused his position to convince City employees to take action benefitting his private legal client who was facing criminal charges. Allegations he solicited or accepted a sponsorship for a festival from a City vendor in exchange for his official action or that he accepted the sponsorship when he knew or should have known that it was given to influence him, were dismissed with a finding of

no probable cause. The Commission also found no probable cause to believe the sponsorship constituted a prohibited gift. An allegation he had a conflicting employment or contractual relationship based on his private business' interaction with a City vendor were also dismissed with a finding of no probable cause.

The Commission considered a complaint filed against former write-in candidate **FRANCIS DAVID BOURRIE**, who qualified to run for Clay County Sheriff. Probable cause was found to believe he violated Florida's Constitution and disclosure law by filing an inaccurate 2019 Form 6 when he qualified to run for office.

Probable cause was found to believe Hillsborough County School Board Member **APRIL GRIFFIN** failed to provide the names and addresses of creditors on her 2014, 2015, 2016, and 2017 Form 6s. However, she subsequently amended her disclosures and the Commission elected to take no further action based on her amending her disclosures and the particular circumstances of the matter.

The Commission considered a complaint filed against **GABRIEL GARCIA**, a former Candidate for State Representative, District 116. Probable cause was found to believe Mr. Garcia failed to accurately disclose his net worth on the 2019 Form 6 he filed when he qualified to run for office.

No probable cause was found to believe Venice City Council Member **ROBERT DANIELS** misused resources within his trust to conduct a background check on a person and share the results with a private citizen via his public e-mail account, using a public server.

The Commission found no probable cause to believe Okeechobee County Property Appraiser **MICKEY L. BANDI** solicited or accepted campaign contributions from property owners in exchange for reducing the valuation of their properties or that

he accepted the contributions when he knew or should have known they were given to influence him. An allegation he misused his position to benefit himself or others by accepting the campaign contributions was dismissed with a finding of no probable cause. The Commission found no probable cause on an allegation he misused his office to find property conducive to cattle leases and then arrange for those properties to be purchased by a third party and leased back to him.

No probable cause was found to believe **ALEXANDER SMITH**, Apopka City Commissioner, solicited or accepted renovations or computer donations to his private employer, based upon the understanding his official action would be influenced or that he accepted those items when he knew or should have known they were given to influence him. An allegation he misused his position to obtain those donations also was dismissed with a finding of no probable cause. Likewise, the Commission found no probable cause to believe Mr. Smith solicited a gift from a vendor of the City, accepted a gift with a value of more than \$100 from the vendor, or failed to disclose a reportable gift.

Probable cause was found to believe **FERDINAND BRISTOL**, a write-in Candidate for the Broward County Commission, violated Florida's financial disclosure laws by failing to disclose an asset which affected his net worth on the 2019 Form 6 disclosure he filed when he qualified to run for office.

The Commission reviewed 8 complaints for legal sufficiency. These reviews are limited to questions of jurisdiction and determinations as to whether the contents of the complaint are adequate to allege a violation of the Code of Ethics or other laws within the Commission's jurisdiction. As no factual investigation precedes the reviews, the Commission's conclusions do not reflect on the accuracy of the allegations made in

these complaints. The Commission dismissed the following complaints for lack of legal sufficiency: **STEVE JAMES**, Deputy, Franklin County Sheriff's Office; **WESLEY CREAMER**, Deputy, Franklin County Sheriff's Office; **BRANDON SMITH** City Commissioner, West Park; **ANTHONY DORSETT**, City Commissioner and Vice Mayor, West Park; **FELICIA BRUNSON**, City Commissioner and Mayor, West Park; **MARVIN PRICE**, City Commissioner, West Park; and two complaints filed against **RON DESANTIS**, Florida Governor.

### **PUBLIC SESSION**

During its public session meeting, the Commission considered the Recommended Order of an Administrative Law Judge (ALJ) from the Division of Administrative Hearings in a complaint filed against **DUSTIN DANIELS**, former Chief of Staff for the Mayor of Tallahassee. The Commission took final action, finding Mr. Daniels violated Florida's Code of Ethics by misusing official resources as to a campaign-related mass email utilizing City equipment. The Commission voted to increase the \$250 civil penalty recommended by the ALJ based on the type of violation that occurred, combined with information contained in the hearing record. A civil penalty of \$1,000 and public censure and reprimand will be recommended to the Governor for imposition.

A settlement agreement, in a complaint filed against **BRIAN BURKEEN**, former Indian River County Assistant Fire Chief or as an employee/position holder in the Indian River County Emergency Services District or the County's Department of Emergency Services, was adopted by the Commission. The agreement finds Mr. Burkeen misused his position and used inside information obtained by virtue of his official position to

obtain tires paid for by public resources and sell them for his personal benefit. Mr. Burkeen also had a conflicting employment or contractual relationship with the individuals with whom he transacted business. Given that Mr. Burkeen is currently incarcerated for related crimes, public censure and reprimand for the ethics violations will be recommended for the Governor to impose.

The Commission also adopted a stipulated settlement agreement in a referral regarding **THOMAS HARDEE**, former Supervisor of Elections in Madison County. The agreement finds he misused his position to arrange for the issuance of and/or receiving salary advances above and beyond the statutorily mandated salary of County Supervisors of Elections. A civil penalty of \$8,000 and public censure and reprimand will be recommended for imposition by the Governor. In addition, the Commission directed staff to alert the Florida Department of Law Enforcement and the State Attorney for the 3<sup>rd</sup> Judicial Circuit, for consideration of any appropriate action under criminal law.

A formal opinion adopted by the Commission finds a prohibited conflict of interest would be created were a County Commissioner to serve simultaneously as the County's surveyor, regardless of whether he is hired as a County employee or as an independent contractor and regardless of whether he accepts compensation for surveyor services. A voting conflict is not created because he is prohibited from serving in the position while still a Commissioner. However, if he plans to apply for the position after his terms ends, the Commission recommended he abstain from the vote to avoid the appearance of a conflict.

The Commission also adopted an opinion finding a prohibited conflict of interest would not be created where a City renews a contract for COVID-19 testing services with

the hospital where the Mayor is a member the Board of Directors, due to the situation falling within a statutory exemption.

In another opinion, the Commission determined under the very particular facts, that it would not be a conflict were a member of a City Council to enter into a contract with the City for usage of the City recreation center to host karate classes.

The Florida Commission on Ethics is an independent nine-member commission formed in 1974 to review complaints filed under the statutory Code of Ethics and to answer questions from public officials about potential conflicts of interest through its issuance of advisory opinions.

If the Ethics Commission believes a violation of the law may have occurred, it may decide to hold a public hearing. If it concludes a violation has been committed, it may recommend civil penalties including removal from office or employment and fines up to \$10,000 per violation.