



Michelle Anchors

Chair

Michael Cox

Vice Chair

Jason David Berger

Daniel Brady, Ph.D.

Matthew J. Carson

Guy W. Norris

Kimberly Bonder Rezanka

Virlindia Doss

Executive Director

C. Christopher Anderson, III

General Counsel/

Deputy Executive Director

State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

PRESS RELEASE

For Immediate Release
December 13, 2017

CONTACT PERSON:

Virlindia Doss or
Kerrie J. Stillman
850.488.7864

May be accessed on the Internet at www.ethics.state.fl.us

TALLAHASSEE—December 13, 2017— Meeting in Tallahassee on December 8th in closed session, the Florida Commission on Ethics took action on 23 matters, Chair Michelle Anchors announced today. A finding of probable cause is not a determination that a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

The Commission accepted the recommendation of its Advocate, finding probable cause on allegations regarding former Fourth Judicial Circuit Public Defender **MATTHEW SHIRK**. However, the Commission also decided to take no further action on the matter, unless he requests a hearing, due to the circumstances including Mr. Shirk losing his bid for reelection. The allegations were that he violated the unauthorized compensation law when his wife accepted a job from a company when he knew or should have known that the position was given to her in order to influence his official

action and that he misused his position to contact judges and others in the criminal justice system to promote the company.

No probable cause was found to believe that **DAVID KATZ**, Boynton Beach Planning and Development Board Member, solicited payment in exchange for influencing a vote concerning a development/roadway project within the City or that he misused his position regarding the vote. The Commission also found no probable cause to believe that he had a prohibited business relationship by lobbying for the city and simultaneously serving as the chair of the city's planning and development board. An allegation that he had a conflicting contractual relationship by his lobbying of the city also was dismissed with a finding of no probable cause.

The Commission considered a complaint filed against former Walton County Commissioner **CINDY MEADOWS**. No probable cause was found on three allegations: that she misused her position to act without authority to expand her duties to hire and terminate county employees; that she ordered the planning director to serve a local business with a cease and desist order in response to complaints from her friends and political supporters about the business's activities; and that she misused her position to direct the removal of a recreational vehicle from a lot that is visible from her street.

No probable cause was found to believe that Senator **W. GREGORY STEUBE**, while serving as a member of the Florida House of Representatives, had a conflicting contractual relationship involving the sponsorship of a bill of interest his law firm during the 2013 legislative session.

The Commission found no probable cause to believe that **JANE K. SHANG**, Deltona City Manager, misused her position to allow the city attorney to remove her

computer's hard drive and assist or cover up the city attorney's use of her city-owned computer for her private law firm work.

In a related complaint, no probable cause was found to believe that Deltona City Attorney **GRETCHEN R.H. "BECKY" VOSE** misused her city laptop for her personal benefit or the benefit of her law firm.

Probable cause was found to believe that **CAROLYN HESTER**, Manager of the Central County Water Control District, misused her position to authorize employees under her supervision to use public resources to obtain money she then distributed to others for unauthorized purposes. However, the Commission voted to take no further action on the matter.

A probable cause hearing was held concerning Florida's 112th District Representative **NICHOLS XAVIER DURAN**. The Commission found probable cause to believe that he failed to properly disclose income on his 2016 Form 6 disclosure. However, because the omitted income information was provided on a Form 1 he filed as a member of the board of The Children's Trust, the Commission will take no further action on the allegation unless Representative Duran requests a hearing.

The Commission found probable cause in a self-initiated investigation – required by statute – to determine whether or not Pompano Beach planning and zoning board member **M. DWIGHT EVANS** willfully failed to file his 2015 Form 1 disclosure.

In another self-generated financial disclosure investigation, probable cause was found to believe that Broward County Public Schools principal **RICARDO SANTANA** willfully failed to file his 2015 Form 1 disclosure; however, no further action will be taken.

The Commission considered a self-initiated lobbyist audit complaint – required by law – to determine if probable cause exists to believe that **JOHNSON STRATEGIES, LLC**, violated the reporting requirements for Executive Branch lobbyists. The Commission found probable cause to believe that the lobbying firm overstated its executive branch compensation received from a principal for each of the four quarters of 2015. As required by statute, the matter will be referred to the Governor and Cabinet for further consideration.

The Commission dismissed a complaint filed against **IRVING M. PLUMMER**, Vice Chair of the Board of Supervisors for the River Bend Community Development District, finding the complaint legally insufficient and finding that the public interest would not be served by proceeding further.

The Commission reviewed a number of 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: **CAROL McCORMACK**, Mayor of Palm Shores; **LANCE A. SMITH**, Zephyrhills City Council member; **R.J. LARIZZA**, State Attorney, 7th Judicial Circuit; **WANDA RANGE**, Mayor of Midway; **MICHAEL JOSEPH NAPOLEONE**, Village of Wellington Council member; **CHRISTINE BROWN**, Assistant State Attorney, 13th Judicial Circuit; **MIKE SCOTT**, Lee County Sheriff; **SAMUEL**

STEVENS, Midway City Council member and Mayor Pro Tem; and three complaints against **LESLIE D. STEELE**, Midway City Manager.

PUBLIC SESSION

The Commission adopted a settlement agreement between the Commission Advocate and **ANTHONY VALLEE**, Walton County Zoning Board Member. The agreement finds that Mr. Vallee violated the ethics laws by providing architectural services in his private capacity to a developer who had appeals before the board, creating a continuing or frequently recurring conflict between his private interests and the performance of his public duties or an impediment to the full and faithful discharge of his public duties. The Commission recommended a civil penalty of \$1,000 and public censure and reprimand be imposed by the Governor.

In a stipulation with the Commission Advocate that was adopted by the Commission, former Florida Representative **DOUGLAS ARLINGTON HOLDER** agreed to a civil penalty of \$6,500 for his failure to file accurate Form 6 disclosures for 2010 through 2014. The penalty recommendation will be referred to the Speaker of the Florida House of Representatives for imposition.

The Commission also adopted a stipulation involving former Florida Senate candidate **DEBBIE MUCARSEL-POWELL**. The agreement finds that she filed an inaccurate 2015 Form 6 disclosure when she qualified for office. A civil penalty of \$500 will be recommended to the Governor for imposition.

The Commission adopted the Recommended Order of the Administrative Law Judge (ALJ) concerning the award of costs and attorney fees to respondents in five complaints involving Flagler County Commissioners **NATE McLAUGHLIN, FRANK J.**

MEEKER (deceased), CHARLES ERICKSEN, JR., GEORGE HANNS, and County Attorney **ALBERT J. HADEED.** The ALJ found that the complaints were filed against the officials with a malicious intent to damage their reputations and that the complainants knowingly made one or more false allegations or made an allegation with reckless disregard for its truth or falsity. The complainant in each case is liable for the respondent's costs and attorney fees. Mr. McLaughlin was awarded a total of \$63,110.61. Mr. Meeker's widow Debra R. Meeker was awarded \$59,942.68. Mr. Ericksen was awarded \$68,888.11. Mr. Hadeed was awarded \$60,682.40 and Mr. Hanns was awarded \$59,042.53.

The Commission adopted a formal opinion finding that a city commissioner will have a prohibited conflict of interest were the city to sell property to a charter school where he serves as general counsel. In the event the city decides to donate the property to the charter school, the city commissioner would not have a conflict provided he does not participate or involve himself in any way regarding the property donation.

In another opinion, the Commission determined that a public agency naming a public facility for a sitting public official is not a gift prohibited by, or required to be disclosed, under Florida's gift law and that it is not a prohibited expenditure.

A formal opinion on the application of the revolving door requirements for state employees was adopted by the Commission. The opinion determined that a former employee of the Florida Department of Environmental Protection is prohibited from representing clients before the department's central district and certain divisions of the department, based on the employee's particular work history.

The Commission also adopted an opinion that a value adjustment board attorney is a "local government attorney" within the meaning of Section 112.313(16), Florida Statutes, but he or she is not prohibited from representing himself or herself as a private citizen before the value adjustment board in the same county where he or she serves as the counsel to the board. However, the value adjustment board attorney or his or her law firm is prohibited from representing an individual or entity before the value adjustment board.

Contact the Commission's office to obtain rulings on appeals of automatic fines imposed for late submission of financial disclosure reports submitted by public officers and employees. (See Item VII. on the December 8th meeting agenda posted on the Commission's website.)

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 that include removal from office or employment and fines up to \$10,000 per violation.