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TALLAHASSEE—December 9, 2020—Meeting in Tallahassee on December 4th in closed session, the Florida Commission on Ethics took action on 35 matters, Chair Dan Brady 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 probable cause to believe Bushnell Mayor **WILLIAM "BIL" SPAUDE** misused his position and public resources to obtain and attempt to obtain a myriad of City materials and services for his family for free or at a discount. However, no probable cause was found to believe he had a voting conflict when voting on measures affecting an individual to whom he sold property. No probable cause was found to believe he had a conflicting contractual relationship by holding mortgages on

the homes of two city employees. The mortgages were held by an LLC, rather than Mr. Spaude.

In a complaint filed against **TYLER ADAM GROVES**, a write-in Candidate for Clay County School Superintendent, the Commission found probable cause to believe he filed an inaccurate 2019 Form 6 when he qualified to run for office. However, due to the particular circumstances of the matter, the Commission will take no further action on the complaint unless Mr. Groves requests a hearing.

The Commission found no probable cause to believe **KRISTEN NICOLE HARMON** filed an inaccurate 2019 Form 6 when she qualified to run as a write-in candidate for Lake County Commission.

Likewise, the Commission dismissed a complaint, with a finding of no probable cause, alleging **RHONDA RENEE BUICE** filed an inaccurate 2019 Form 6 when she qualified to run as a write-in candidate for the Palm Beach County Commission.

A self-initiated investigation – required by statute – to determine if Orange County School Board Member **JOHANNA LOPEZ** willfully failed to timely file her 2018 Form 1 resulted in a finding of probable cause. However, due to the circumstances of the matter, the Commission will take no further action on the matter unless Ms. Lopez requests a hearing.

The Commission considered complaints filed against Lake Worth Beach City Commissioner **OMARI JAMAL-HATCHETT HARDY**. Probable cause was found to believe he failed to timely file his 2017 Form 1 and 2018 Form 1; however, the Commission will take no further action based on the recommendation of the Commission Advocate.

No probable cause was found to believe the Director of the High Performance Database Research Center at Florida International University **NAPHTALI RISHE** had a prohibited business relationship by doing business with the University or by having a business relationship with an entity doing business with the University. No probable cause also was found on an allegation he had an employment or contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties or impeded the full and faithful discharge of his public duties. The Commission also found no probable cause he became an employee of a person contracting with the University, in violation of Florida's Code of Ethics.

The Commission found no probable cause on four allegations regarding North Miami Beach City Attorney **SARAH JOHNSTON**. No probable cause was found to believe she solicited or accepted employment from a law firm based on the understanding she would advocate for the firm to be the City Attorney. Similarly, no probable cause was found to believe she accepted employment with the law firm based on an understanding she would advocate for it to become the City Attorney or that she misused her position to gain a position within the firm. The Commission found no probable cause to believe Ms. Johnston referred legal work to a law firm where she was employed.

The Commission also considered a complaint filed against Marathon City Council Member **MARK SENMARTIN**. The Commission found probable cause to believe he misused his position to secure a donation from the City for the local high school drama club's New York field trip, in which his son was participating. However, based on the particular circumstances, no further action will be taken on the allegation unless Mr.

Senmartin requests a hearing. No probable cause was found on a voting conflict allegation regarding the donation of City funds to the high school drama club.

No probable cause was found to believe Suwanee County Assistant Supervisor of Elections **JENNIFER KINSEY**, misused her position to interfere with a potential candidate's efforts to qualify to run for office against her.

The Commission reviewed 25 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: **PHILLIP CURTIS**, Electrical Plans Examiner, Hernando County; two complaints against **OMARI HARDY**, City Commissioner, Lake Worth Beach; **RONNIE EDWIN ROBINSON**, Candidate for Tax Collector, Clay County; **CHRIS PATRICCA**, School Board Member, Lee County; **PETE EMRICH**, **VANESSA CARUSONE**, **CHRIS HANKS**, City Commissioners, North Port; seven employees of the Okaloosa County Sheriff's Office: **CHRISTOPHER LYBRAND**, **BRANDEN FINDLEY**, and **ANTHONY CONSTANTINI**, Deputy Sheriffs, **JAMES REEVES**, Resource Officer, **WILLIAM JERARD**, Deputy Supervisor, **DAVID ALLEN**, Sergeant and Supervising Deputy, and **BOB NORRIS**, Captain; **T.K. MATHEW**, Hillsborough County Tax Collector; **DAVID A. WILLIAMS**, Property Appraiser, DeSoto County; **LARRY WINKLER**, City Council Member and Mayor, Dunnellon; **DAWN BOWNE**, City Administrator, Dunnellon; **FRANK DeMARIO**, Chief of Law Enforcement, Palm Beach County Sheriff's Office; **LEANETTA McNEALY**, School Board Member, Alachua County School District;

SARAH ALBRITTON, Budget Analyst II, Highlands County; **RANDY VOSBURG**, County Administrator, Highlands County; **WOODY BROWN**, Mayor, Largo; and **DON ELWELL**, Commissioner, Highlands County.

PUBLIC SESSION

The Commission took final action and adopted a Joint Stipulation entered into between **JULIA BOTEL** and the Commission Advocate prior to a finding of probable cause. The Commission found Ms. Botel misused her official Facebook page to solicit donations for a non-profit corporation and misused her official email account to solicit donations for the non-profit from the principal of a lobbyist of the City. A penalty consisting of a public reprimand for the two violations of law will be recommended for imposition by the Governor. The Commission also found she violated the law by misusing her position and official resources to designate her public office address at City Hall for the address of the non-profit on its articles of incorporation; however, the Commission will take no further action on the violation. An allegation she used City equipment to reproduce a campaign flyer for a political action committee was dismissed.

A formal advisory opinion adopted by the Commission finds no prohibited conflict of interest is created for a City Council member whose spouse is employed by a law firm providing legal services to the City. The legal services agreement occurred prior to the City Council member being appointed, so the agreement meets the requirements of the statutory grandfather clause. Further, under the circumstances, the Council member is not presented with a voting conflict on measures relating to the engagement of the firm, as her spouse will no longer hold an equity interest in the firm.

An opinion was adopted noting that under the circumstances presented, no prohibited conflict exists for a City Council member to serve on the board of directors of a chamber of commerce required to publicize the City using public funds. No conflicting employment relationship exists because uncompensated service on the board of directors of a non-profit organization and lack of a personal membership in the organization does not constitute employment or a contractual relationship.

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.