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PRESS RELEASE

For Immediate Release
January 30, 2019

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TALLAHASSEE—January 30, 2019—Meeting in Tallahassee on January 25th in closed session, the Florida Commission on Ethics took action on 26 matters, Chair Guy Norris 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 found probable cause to believe former Plantation Fire Chief **LANEY STEARNS** violated Florida's anti-nepotism law by engaging in the hiring or promotion of his son. However, the Commission will take no further action on the allegation.

The Commission also considered a complaint filed against **HOUSHANG "HOUSH" GHOVAEE** of Madeira Beach. It was alleged Mr. Ghovae had a prohibited

business relationship with the City and a conflicting contractual relationship due to the relationship between his private engineering firm and the city when he was appointed to fill a vacancy on the Madeira Beach City Commission. It also was alleged he filed an inaccurate 2015 Form 1 disclosure. However, a court nullified his appointment to the Madeira Beach city commission because of a violation of the Sunshine Law. Due to the court's decision, Mr. Ghovae never was a public officer subject to the requirements of the ethics code and the Commission dismissed the complaint with a finding of no probable cause.

Probable cause was found to believe **ALEX DIAZ DE LA PORTILLA**, as a candidate for Florida Senate District 40, filed an inaccurate 2016 Form 6 disclosure when he qualified for office.

The Commission found probable cause to believe former Tallahassee Mayor **ANDREW GILLUM** accepted things of value based on an understanding his official action would be influenced and when he knew or should have known they were given to influence action in which he was expected to participate. Probable cause also was found to believe he misused his position to accept things of value for himself and others in return for access and influence. The Commission found probable cause to believe he accepted gifts with a value of more than \$100 from a lobbyist or vendor of the city and/or he failed to report gifts. However, no probable cause was found to believe he solicited any gifts from a lobbyist or vendor of the city.

No probable cause was found to believe North Port Vice Mayor **RHONDA Y. DiFRANCO** misused her position to threaten a citizen with an opposing political view.

The Commission found probable cause to believe former Chief of Staff for the Mayor of Tallahassee, **DUSTIN DANIELS** misused city resources by using or directing the use of public resources for a private purpose.

In a referral from the Office of the State Attorney in the 18th Judicial Circuit, the Commission voted to find no probable cause to believe former Seminole County Tax Collector **RAY VALDES** failed to accurately complete his 2015 Form 6. No probable cause also was found to believe he had a conflicting employment or contractual relationship or that he misused his position or inside information relating to the purchase of tax certificates while in office.

In a self-initiated investigation – required by statute – of whether Dundee Fire Chief **JOSEPH ALFRED CARBONE** willfully failed to timely file his 2016 Form 1 disclosure form, the Commission found probable cause to believe he willfully failed to file his form, but will take no further action.

The Commission also considered the results of an investigation – required by statute – due to findings in a random audit of **CARR ALLISON**, an Executive Branch Lobbying Firm. The Commission found no probable cause to believe the firm overstated compensation received from Florida Automobile Joint Underwriting Association, VALIC, and found no probable cause for failing to report the prime contractor firm for Florida Municipal Insurance Trust, on the firm's compensation reports for all four quarters of 2016.

A complaint filed against Escambia County Public Safety Director **MICHAEL WEAVER** was dismissed because all matters contained in the complaint fall outside of the five-year statute of limitations for ethics complaints.

The Commission voted to dismiss an investigation of **BRADLEY FESS**, former member of Board of Zoning and Adjustments for the City of Maitland. The self-initiated investigation – required by statute – concerning whether Mr. Fess willfully failed to file his 2016 Form 1 revealed he no longer holds any public position. The holding of a public position is a required element of the statute necessary to maintain the Commission’s jurisdiction.

A complaint filed against former Union County Commissioner **WAYNE SMITH** was dismissed due to his death.

The Commission dismissed a complaint filed against **GLORIA R. WALKER**, former candidate for judge in the 8th Judicial Circuit. Ms. Walker’s election bid was successful and she was sworn into office, resulting in the loss of jurisdiction for the Commission to pursue the matter.

A complaint filed against White Springs Council Member **WALTER McKENZIE** was dismissed because the public interest would not be served by further Commission proceedings.

The Commission reviewed twelve 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: **JOHN BARNOTT**, Director of Building and Development Services, Manatee County; **PHYLLIS STRONG**, Development Services Section Manager, Manatee

County; **DENNIS LEMMA**, Sheriff, Seminole County; **RICK SCOTT**, former Governor; **MR. SADLER**, Sergeant, Taylor Correctional Institution; **MISS PEREZ**, Sergeant, Taylor Correctional Institution; **L. WILLIAMS**, Sergeant, Taylor Correctional Institution; **R. SPIKES**, Lieutenant, Taylor Correctional Institution; **MR. FUQUA**, Captain, Taylor County Correctional Institution; **HELEN MILLER**, Town Council Member, White Springs; **CISSY PROCTOR**, former Executive Director, Florida Department of Economic Opportunity; and **HEATHER CARRUTHERS**, County Commissioner, Monroe County.

PUBLIC SESSION

During its public session meeting, the Commission voted to adopt the Recommended Order of the Administrative Law Judge in a complaint regarding **NANCY OAKLEY**, Madeira Beach City Commissioner. It was determined Ms. Oakley violated Florida's ethics code by misusing her position by exhibiting inappropriate behavior toward city staff. A penalty of \$5,000 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission adopted a settlement agreement filed in a complaint against **DERRYL O'NEAL**, former Acting City Manager and former Fire Chief for the City of Madeira Beach. The Commission adopted the agreement, which incorporates the findings and penalty recommendation included in the Recommended Order from the Administrative Law Judge with Division of Administrative Hearings. Mr. O'Neal was found to have violated the law by misusing city resources to store his jet ski and refusing to remove it when asked. Restitution payable to the City of Madeira Beach for \$2,320, plus a civil penalty of \$2,000, will be recommended for imposition by the Governor.

The Commission also adopted a settlement agreement in a complaint filed against Representative **KIMBERLY DANIELS**, concerning the 2012, 2013, and 2014 Form 6 disclosures she filed as a member of the Jacksonville City Council. The Commission found she violated financial disclosure laws by filing inaccurate forms for those years. The matter will be referred to the Speaker of the Florida House of Representatives for action.

The Commission granted a Motion to Dismiss filed by the Commission Advocate in a statutorily-required investigation to determine if **MICHELE R. THAMES** willfully failed to file her 2015 Form 1 disclosure. The Commission dismissed the matter because it was determined Ms. Thames was erroneously placed on the list of disclosure filers by Miami-Dade County.

A petition for costs and attorneys fees filed by St. Cloud City Manager **WILLIAM E. STURGEON** against Christian B. Robertson, the complainant in a previously-dismissed complaint, was dismissed by the Commission. The petition failed to state a claim meeting the statutory requirements to recover costs and reasonable attorney's fees.

The Commission adopted a formal opinion finding a particular school board member in a certain situation does not receive a gift when donations are made to a nonprofit corporation where the official serves as founder, president, or spokesperson, even if the donations are made by entities doing business with the school district. A conflicting employment or contractual relationship is not created by the donations, nor will the donations create a conflict if the nonprofit enters into a contractual arrangement with a district vendor.

Another opinion adopted by the Commission provided guidance to a city commissioner regarding application of the conflicting contractual relationship and voting conflict prohibitions to existing and possible future work for himself and his company.

In an opinion issued to a local health department official, the Commission determined no prohibited conflict of interest is created if the administrator serves on the board of directors of a nonprofit corporation providing grant funding to the health department.

In an opinion adopted by the Commission, a person or entity who contracts with a principal to facilitate the administrative functions of Executive Branch lobbyist retention is not itself a “principal” required to be identified and disclosed under the statute.

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 IX. on the January 25th 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 including removal from office or employment and fines up to \$10,000 per violation.