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TALLAHASSEE—January 29, 2020—Meeting in Tallahassee on January 24th in closed session, the Florida Commission on Ethics took action on 10 matters, Chair Kim Rezanka 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 **RHETT BULLARD**, Mayor of White Springs, misused his position to permit a Town firefighter to make personal or unauthorized use of a Town Fire Department vehicle. No probable cause also was found regarding an allegation he misused his position to ask the Town Clerk/Finance Director to forgo the collection of a utilities fee that he incurred when he purchased property within the Town.

In a complaint filed against **STACY TEBO**, Town Manager of White Springs, the Commission found no probable cause to believe she misused her position by permitting a Town firefighter to make personal use of a town-owned fire department vehicle. The Commission also found no probable cause to believe she misused her position to direct the code enforcement officer to require a landowner alter the landowner's property. The Commission also found no probable cause on another allegation she misused her position by declining to place a citizen's complaint on the council's meeting agenda.

Similarly, the Commission found no probable cause to believe White Springs Vice Mayor **TONJA BROWN** misused her position regarding the landowner. Additionally, no probable cause was found to believe Ms. Brown acted to prevent the council from considering a complaint filed against her, in part by discussing the complaint in an out-of-Sunshine meeting.

The Commission considered a complaint filed against Apopka Mayor **JOSEPH KILSHEIMER**. Probable cause was found to believe he misused his position to improperly bill the City for travel expenses incurred by him and his spouse on a trip to Washington, D.C. and by failing to report gift(s) they received.

PAM TOMLINSON serves as the White Springs Finance Director and was alleged to have misused her position to authorize the waiver of a utility fee for the Town Mayor. The Commission found no probable cause to believe Ms. Tomlinson violated the law.

The Commission found no probable cause on allegations former State Representative and State Senator **JANET CRUZ-RIFKIN** violated financial disclosure laws by filing an incomplete Form 6 for calendar years 2013 through 2017.

After considering a complaint filed against Pinellas Park City Council Member **RICHARD "RICK" BUTLER**, the Commission found no probable cause to believe he misused a City credit card.

The Commission found no probable cause to believe Pinellas Park City Attorney **JAMES DENHARDT** misused his position to represent the Mayor in a private legal matter. No probable cause also was found to believe he had a conflicting employment or contractual relationship due to his legal representation of the Mayor in the personal matter.

The Commission found probable cause to believe Temple Terrace Mayor **MELODY JURADO** misused her position to permit or direct City staff to publish inaccurate or embellished educational credentials for her biography on the City's website.

In a complaint filed against Wakulla County Administrator **DAVID EDWARDS**, the Commission rejected the recommendation of its Advocate and found no probable cause on two allegations he violated provisions of the gift law: first, that he accepted a prohibited gift valued at more than \$100 from a lobbyist or vendor of the County; and second, failed to report a gift valued at more than \$100 from someone other than a vendor or a lobbyist. The Commission also found no probable cause regarding eleven other allegations: that the generator was solicited or accepted with the understanding Mr. Edwards' official action would be influenced or that the generator was accepted when he knew or should have known it was given to influence his official actions; he misused his position to obtain the generator from the vendor/lobbyist; that he solicited the generator from a prohibited donor. No probable cause also was found to believe he misused his position to have County resources used to repair his personal property

were dismissed with a finding of no probable cause. Allegations he solicited a stay at a beach house from a vendor/lobbyist of the County with the understanding his official action would be influenced, that he accepted the stay when he knew or should have known that it was given to influence him, that he misused his position to obtain the stay at the beach house, that the beach house stay was solicited from a prohibited donor, that he accepted a gift valued at more than \$100 from a prohibited donor, or alternatively that the stay should have been reported on a Form 9 were dismissed because the conduct took place outside the statute of limitations.

After reviewing the results of a self-initiated investigation – required by statute – the Commission found probable cause to believe **JOHN KINSEY**, Member of the Board of Supervisors for the Twin Creek North Community Development District, willfully failed to timely file his 2017 Form 1.

A self-initiated investigation – required by statute – to determine if **JEREMIAH TAYLOR** willfully failed to timely file his 2017 Form 1 was dismissed by the Commission due to lack of jurisdiction. It was determined Mr. Taylor no longer serves as a member of the Eatonville Board of Adjustment and because the only penalty available for a willful violation is removal from office, the Commission no longer has jurisdiction to pursue the matter.

The Commission voted to dismiss a complaint filed against **ANDY ANDERSON**, former Deputy City Manager of Palm Bay, due to his death.

The Commission reviewed 12 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: **VALENTINA WEBB**, Mayoral Candidate, Apalachicola; **JOHN HOLDNAK**, President, Gulf Coast State College; **SCOTT PLAKON**, Representative District 29, Florida House of Representatives; **HELEN MILLER**, Mayor and Council Member, White Springs; **DANIEL F. MANTZARIS**, City Attorney, St. Cloud; **DAVID NEBEL**, Town Council Member & former Mayor, Howey-In-The-Hills; two complaints filed against **MARTHA MacFARLANE**, Mayor, Howey-In-The-Hills; **HERBERT R. THOMAS**, Chief of Police, Howey-In-The-Hills; **RICK TURNER**, former School Board Member, Levy County; **ROBERT O. HASTINGS**, former Superintendent, Levy County School District; and **DAVID DELANEY**, Attorney, Levy County School Board.

PUBLIC SESSION

The Commission took final action on a Recommended Order from an Administrative Law Judge (ALJ) at the Division of Administrative Hearings, concerning complaints filed against Midway Mayor **WANDA RANGE**. Ms. Range was found to have violated Florida's anti-nepotism law regarding the appointment of her relative into a position in the City. The Commission increased the recommended civil penalty from the \$1 recommended by the ALJ to \$1,500, and added public censure and reprimand to the penalty recommendation. The penalty will be recommended to the Governor for imposition. Allegations she misused her position and violated Florida's gift law were dismissed.

The Commission adopted a formal opinion requested by a city official. The opinion states that based on the specific facts, a prohibited conflict would not be created

were a member of the city council to sell a parcel of real property to the city from his limited liability company, due to the application of the "sole source" statutory exemption.

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. (Item VII. on the January 24th 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.