



Daniel Brady, Ph.D.

Chair

F. Shields McManus

Vice Chair

Antonio Carvajal

Don Gaetz

Glenton "Glen" Gilzean, Jr.

John Grant

JoAnne Leznoff

William "Willie" N. Meggs

Kimberly Bonder Rezanka

C. Christopher Anderson, III

Executive Director/

General Counsel

Kerrie J. Stillman

Deputy Executive Director

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

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

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

"A Public Office is a Public Trust"

PRESS RELEASE

For Immediate Release
July 29, 2020

CONTACT PERSON:

Chris Anderson or
Kerrie J. Stillman
850.488.7864

May be accessed online at www.ethics.state.fl.us

TALLAHASSEE—July 24, 2020—Meeting in Tallahassee on July 24th in closed session, the Florida Commission on Ethics took action on 36 matters, Chair Daniel 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 **BRIAN BURKEEN**, Indian River County Assistant Fire Chief and/or employee of the Indian River County Emergency Services District, misused his public position and resources to obtain profit for himself or another person. Probable cause also was found to believe he used information gained by his position that was not available to the general public, to benefit himself or another. The Commission also found probable cause to believe Mr. Burkeen

created conflicting contractual relationships with the individuals to whom he sold items paid for with County resources.

In a complaint filed against **FERNANDO HARB**, Vice President of Tourism Sales for the Greater Ft. Lauderdale Convention and Visitors Bureau, the Commission found no probable cause to believe he misused his position to benefit a colleague, the colleague's boyfriend, or his company. In addition, no probable cause was found to believe he used or disclosed non-public information gained from his public position to benefit himself.

The Commission found no probable cause to believe Lee County Sheriff and former Undersheriff **CARMINE MARCENO** misused his position or public resources to engage in a romantic relationship with a victim in an active criminal investigation.

The Commission considered a complaint filed against **THOMAS LANCE CLYCE** who served as a member of the Board of Supervisors of the Heritage Landing Community Development District. The Commission found probable cause on an allegation he had a contractual relationship that created a situation that could create an impediment to the full and faithful discharge of his public duties. No probable cause was found to believe Mr. Clyce misused his position to benefit himself or an entity with whom he has a business relationship; and no probable cause was found as to an allegation he used non-public, inside information to benefit himself or another.

No probable cause was found to believe North Port Mayor and City Commissioner **CHRISTOPHER HANKS** violated the Ethics Code by voting on matters he knew would cause gain or loss to his business associate.

Allegations regarding Hillsborough County Commissioner **STACY WHITE** were dismissed by the Commission, with a finding of no probable cause regarding a failure to report gifts of free legal services and public relations services.

The Commission considered a complaint filed against Lobbyist **MARION HAMMER**. The allegations were that Ms. Hammer failed to properly register as an Executive Branch Lobbyist for a principal she represented and that she failed to file compensation reports for that principal as required by law. No probable cause was found regarding the registration allegation. As Ms. Hammer filed compensation reports for the years in question during the course of the investigation and took or agreed to take other steps in accord with the statutes going forward, the Commission voted to dismiss the compensation reporting allegation, finding the public interest would not be served by further proceedings.

The Commission found probable cause to believe Port Richey City Council Member **RICHARD BLOOM** misused his position by reading a cease and desist letter written to a political opponent, from the dais, during a City Commission meeting. However, due to the particular circumstances of the matter, the Commission will take no further action on the allegation unless Mr. Bloom requests a hearing. No probable cause was found to believe he disclosed or used information not available to members of the general public and gained by reason of his official position.

The Commission rejected the recommendation of its Advocate and found probable cause to believe West Palm Beach Mayor **KEITH JAMES** misused his position to urge the award of a no-bid security contract to a company operated by one of his friends.

No probable cause was found to believe East Lake Tarpon Special Fire Control District Commissioner **TOM McQUEEN** misused District resources for his personal website.

In a complaint filed against Ft. Pierce City Commissioner **REGINALD SESSIONS** the Commission found no probable cause to believe he had a conflicting contractual relationship with three individuals or their companies subject to the regulation of the City. Similarly, no probable cause was found on an allegation he had a voting conflict when he voted on matters concerning those individuals or their companies.

Probable cause was found to believe Mascotte City Manager **JIM GLEASON** violated the anti-nepotism law regarding the hiring of his son as a Code Enforcement Officer for the City. However, given the totality of the facts of the matter, the Commission will take no further action on the allegation unless Mr. Gleason requests a hearing. The Commission found no probable cause to believe he misused his position to hire his son.

The Commission found no probable cause to believe **ALAN FERNANDEZ** and **LESLIE ACHARA McNAIR-TARFA**, members of the Heritage Landing Community Development District misused their positions to select an unqualified and unlicensed provider to install pool lighting for their agency.

No probable cause was found to believe Village of Palmetto Bay Mayor **KARYN CUNNINGHAM** misused her position or Village resources to benefit herself or a candidate for public office by her use of City social media resources in personal social media posts.

A self-initiated investigation – required by statute – to determine if North Broward Hospital District Vice President **MELANIE HATCHER** willfully failed to timely file her 2017 Form 1 resulted in a finding of probable cause.

The Commission reviewed 20 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: **GARY KNOX** Police Officer, Howey-In-The-Hills; **STEVE BERUBE**, Chairman, Harmony Community Development District; **REBECCA HERNANDEZ**, Assistant Manager, Central County Water Control District; **MICHAEL WELCH**, Board Member, LeHigh Acres Municipal Services Improvement District; **JASON D. UMBERGER**, Chief of Police, Deland; **MARTHA MacFARLANE**, Mayor, Howey-In-The-Hills; **PAMELA PAGE**, Employee, Division of Motorist Services, Florida Highway Safety and Motor Vehicles; **DARRYL DANIELS**, Sheriff, Clay County; **DON ESLINGER**, Sheriff, Seminole County; **JAMES KAISHAS**, Deputy Clerk, Office of the Miami-Dade County Clerk of Court; **PAUL B. DEZZI**, Fire Chief, Longboat Key; **TIFFANY MOORE RUSSELL**, Clerk of Court, 9th Judicial Circuit; **LORENZO DIXON**, Council Member, City of Arcadia; **RICHARD RAMSAY**, Sheriff, Monroe County; **DENNIS WARD**, State Attorney, 16th Judicial Circuit; **STEVE KNOX**, Police Officer, Howey-In-The-Hills; **HERBERT R. THOMAS**, Police Chief, Howey-In-The-Hills; **RON BERGERON**, Board Member, South Florida Water Management District; **TINA HILL**, Records Manager, Polk

County Clerk of Courts; **GLEND A WILLIAMS**, Supervisor of Elections, Suwannee County.

PUBLIC SESSION

The Commission took final action on a Recommended Order from an Administrative Law Judge (ALJ) of the Division of Administrative Hearings, concerning a complaint filed against former Senate Candidate **ALEX DIAZ DE LA PORTILLA**. The Commission adopted, in part, the Recommended Order of the ALJ, finding Mr. Diaz De La Portilla did not violate ethics laws as to his 2016 Form 6 filed when he qualified to run for office.

The Commission took final action on a complaint filed against **BRENDA FORMAN**, Broward County Clerk of Court. They adopted a joint stipulation between Ms. Forman and the Commission Advocate, which was filed prior to consideration of probable cause. In the agreement, Ms. Forman admits she filed inaccurate Form 6 disclosures for years 2015, 2016, 2017, 2018, and has since filed amended forms. The Commission will recommend a civil penalty of \$5,000 for the violations for imposition by the Governor.

A complaint filed against **STOCKTON REEVES**, former Candidate for the Florida House of Representatives, District 47, was sent to the Division of Administrative Hearings (DOAH) for a public hearing; however, Mr. Reeves did not participate in those proceedings. As a result, DOAH relinquished jurisdiction and the matter returned to the Commission for final action. The Commission entered an order finding Mr. Reeves violated the Florida Constitution and Florida Statutes by filing an inaccurate 2017 Form 6 when he qualified for office. A civil penalty of \$5,000 and public censure and reprimand will be recommended for imposition by the Governor.

A probable cause hearing in a complaint filed against former Bayshore Gardens Park & Recreation District Trustee **JAMES COUEY** was considered during public session because Mr. Couey waived confidentiality. Probable cause was found to believe he had a prohibited business relationship when he contracted with his spouse to work for the Bayshore Gardens Park & Recreation District. However, no probable cause was found to believe Mr. Couey violated the anti-nepotism statute regarding a pay raise for his spouse.

A formal opinion adopted by the Commission finds a prohibited conflict of interest would be created were a hardware store owned by a County Commissioner to sell goods to the County. However, if the County purchases goods from the Commissioner's hardware store on a rotating basis from all qualified suppliers in the County, a statutory exemption would apply and the transaction(s) would not be prohibited.

An opinion was adopted wherein the Commission determined appointed members of the Miami 21 ad Hoc Task Force would be public officers subject to the Code of Ethics and could encounter potential prohibited business relationships and conflicting contractual relationships. However, statutory exemptions can be applied to negate said conflicts in particular situations.

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 XI. on the July 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.