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Stanley M. Weston

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

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

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

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PRESS RELEASE

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CONTACT PERSON:

Virlindia Doss or
Kerrie J. Stillman
850.488.7864

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

TALLAHASSEE—August 3, 2016— Meeting in Tallahassee on July 29th in closed session, the Florida Commission on Ethics took action on 28 complaints, Chairman Matthew F. Carlucci 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 that Monroe County Commissioner GEORGE NEUGENT violated the gift law by failing to report an honorary golf club membership valued over \$100. Allegations that he solicited or accepted the membership based upon an understanding that his vote or official action would be influenced, or when he knew or should have known that it was given to influence his official action, were dismissed with findings of no probable cause. The Commission

found probable cause on allegations that Mr. Neugent failed to properly disclose assets or liabilities on his 2012 and 2013 annual financial disclosure. The Commission found no probable cause to believe that he misused his position to influence the award of the County's animal services contract to a friend, or had a voting conflict when he voted on matters related to his friend's nonprofit.

In a complaint filed against District Supervisor and Treasurer of the Coquina Water Control District CARLIN GALVAN, the Commission found no probable cause to believe that Ms. Galvin misused her position to ensure an inordinate amount of public resources and time were spent addressing water problems on her own property. No probable cause also was found on an allegation that she hired a friend's company as the District's subcontractor without following proper procedures. An allegation that she misused her position to be untruthful about the cost of a permit application also was dismissed with a finding of no probable cause.

A complaint filed against JIM ROCKETT, Town Councilmember of Loxahatchee Groves and member of the 2015 Town Canvassing Board, was considered by the Commission. No probable cause was found to believe that Mr. Rockett misused his position by serving on the canvassing board and certifying the election when he had actively campaigned for and endorsed candidates running for election.

The Commission found no probable cause to believe that TOM FELDT, District Supervisor of the Coquina Water Control District, misused his position to ensure invoices would be paid to an individual despite the fact that the invoices did not meet the minimum standards required; that he instructed an employee to approve another employee's timecard even though there was no work log of what the employee had

done during the time period; that he used the services of District employees during work hours for his personal benefit; or that he installed flap gates on his property without obtaining proper approval.

No probable cause was found to believe that Construction Industry Licensing Board member CHRISTOPHER M. COBB had a conflicting contractual relationship when he filed a complaint on behalf of his law firm's client with the Department of Business and Professional Regulation, while he was serving on the Board. No probable cause also was found on an allegation that he misused his position on the Board to secure a benefit for himself or his client.

The Commission considered a complaint filed against PAUL PHELAN, former Investigator with the Department of Business and Professional Regulation. No probable cause was found to believe Mr. Phelan misused his position to secure a special privilege, benefit, or exemption for himself, for a member of the Construction Industry Licensing Board, or for the individuals whose remodeling work was the genesis of a complaint he investigated.

The Commission voted to find no probable cause to believe that ALISON McMILLAN, Licensing Specialist and Recording Secretary for the Volusia County Contractor Licensing and Construction Appeals Board, misused her position for the benefit of a party who came before the Board or that she helped an entity associated with that party to receive a special exception.

In a complaint filed against TIMOTHY POYNTER, Fernandina Beach City Commissioner, the Commission found no probable cause to believe that Mr. Poynter misused his position to receive a free physical exam and medical services offered to

municipal employees by an outside entity, or unlawfully solicited, accepted, or failed to report the exam and services as a gift.

The Commission found no probable cause to believe that Bay County Property Appraiser DANIEL M. SOWELL misused his position either to improperly grant himself a property tax exemption as a quadriplegic, or by failing to produce a copy of the form required to obtain the exemption, when a public records request for the document was made.

Probable cause was found to believe that MILTON WEST, Ocoee Planning and Zoning Commissioner, had a conflicting contractual relationship, involving the sale of property in which he had an ownership interest, that would create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. An allegation that he failed to follow disclosure requirements after abstaining from a February 2016 vote was dismissed with a finding of no probable cause, as was an allegation that he violated the voting conflict statute by participating in discussion during consideration of the measure. The Commission found no probable cause that Mr. West misused his position by bullying his fellow commissioners into issuing a rezoning recommendation for his property.

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: Two complaints filed against DINA SWEATT, Groveland City Council and Groveland's Redevelopment Agency; VICTOR CRIST, Hillsborough County Public Transportation Commissioner; two complaints filed against MARY FISCHER, Lee County School Board Member; DUANE PETERSON, Florida Department of Corrections Library Services Administrator; NICK FERRARA, Sergeant in the Gainesville Police Department; ROBERT HOOG, Mayor of Cape Canaveral; PATRICK T. LEE, former Mayor of Cape Canaveral; KELLY WHITE, Daytona Beach City Commissioner; EDWARD COLE, Eatonville Mayor and Town Councilmember; RODNEY DANIELS, Eatonville Vice Mayor and Town Councilmember; JAQUELINE MOORE, North Port City Commissioner; complaints against five individuals with the Putnam County Sheriff's Office: RICKY LYLE, Lieutenant; LYNN NICELY, Detective; GATOR (HOMER) DELOACH, Captain; JOHN ZAGAR, Investigator; and Sheriff JEFF HARDY.

PUBLIC SESSION

The Commission took final action on a complaint it was required to initiate, concerning MICHAEL S. MURPHY, District Agent of the Cooperative Producers Water Control District. The Commission adopted the findings of the Administrative Law Judge from the Division of Administrative Hearings and found that Mr. Murphy violated Florida's ethics code by willfully failing to file his 2013 Form 1 disclosure, and recommended to the Governor the penalty established by law for this violation: removal from public office.

The Commission dismissed a similarly self-initiated complaint against GERALD BURWELL, Walton County Design Review Board member. Mr. Burwell resigned from the

Board on May 19, 2016. Because the only penalty for a violation of willfully failing to file disclosure is removal from office, his resignation means the Commission no longer has jurisdiction.

The Commission adopted a formal opinion determining that under the circumstances presented, attendance at a charity polo match was a gift valued at \$895 per person, requiring disclosure by each official who accepted the gift.

In another opinion, the Commission found that a staff director of the House Bill Drafting Service is not an "employee" as defined in a statute imposing post-employment restrictions. Therefore, he would not be subject to the two-year prohibition on representing persons or entities before the Legislature.

Contact the Commission 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 July 29th 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.