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PRESS RELEASE

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TALLAHASSEE—August 1, 2018— Meeting in Tallahassee on July 27th in closed session, the Florida Commission on Ethics took action on 33 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 accepted the recommendation of its Advocate, finding no probable cause on seven allegations regarding **PAUL KILMARTIN**, former Milton City Council Member and current member of the Milton Planning Board. An allegation he misused his position to avoid paying the proper amount of impact fees to the City for his restaurant was dismissed with a finding of no probable cause, as was an allegation he misused his position by not following proper procedures regarding a vote for the tourism district boundaries. An allegation he used information not available to the general public

and gained from his public position to purchase property in November 2012 within the District and adjacent to two parcels already owned by the City was dismissed with a finding of no probable cause. Also dismissed with a finding of no probable cause were the remaining four allegations relating to alleged violations of the voting conflict law concerning his property's inclusion in the downtown tourism district and the demolition of a potential competitor's property.

The Commission considered a complaint filed against former Madeira Beach City Manager **SHANE CRAWFORD**. The Advocate made recommendations concerning 21 allegations. Fourteen of the allegations related to two discounted condominiums he leased from developers of the Gulf Grill and Town Center projects in the city. The Commission adopted the recommendations of the Advocate finding probable cause to believe he accepted prohibited gifts from lobbyists, or alternatively, failed to report the discounts as gifts valued at more than \$100. Probable cause was found to believe he accepted the discounted condominium rentals when he knew or should have known they were given to influence his official action, and that the lease agreements constituted a conflicting contractual relationship. However, no probable cause was found to believe he solicited the discounted rental rates or he solicited or accepted the discounted rentals with the understanding his official action would be influenced. The Commission found no probable cause to believe he misused his position to benefit the developer, no probable cause to believe he misused his position to benefit his girlfriend or his private business, and no probable cause to believe he misused his position to facilitate the sale of a boat to the City. No probable cause was found to believe he had a prohibited business relationship with the City because of the sale of the boat, or a

conflicting contractual relationship due to his private business, his girlfriend, or the boat transaction.

In a related complaint, the Commission found no probable cause to believe **CHERYL McGRADY (CRAWFORD)**, former Executive Assistant to the Madeira Beach City Manager, solicited or accepted a discounted rental from the developer in exchange for her official action or accepted a discounted rental when she knew or should have known it was given to influence an action in which she was expected to participate. The Commission also found no probable cause to believe she misused her position to obtain the discounted rental rate or had a conflicting contractual relationship as a result of the lease.

The Commission voted to dismiss a complaint against Madeira Beach Building Official **FRANK DESANTIS** with a finding of no probable cause. No probable cause was found concerning allegations Mr. Desantis corruptly used his position to benefit for the (now) former Mayor of Madeira Beach or Mr. Crawford, or disclosed or used information not available to the general public and obtained through his position to secure a benefit for the Mayor or Mr. Crawford.

The Commission found no probable cause to believe Fruitland Park Community Development Director **CHARLIE RECTOR** misused his position by approving building permits to aid a developer when he knew the plans did not meet city zoning standards and regulations.

The Commission found probable cause to believe Marion County Commissioner **EARL ARNETT** failed to accurately disclose income on his 2011, 2013, and 2014 Form 6 financial disclosure forms. However, based on the circumstances, the Commission will

take no further actions on the matter unless Mr. Arnett requests a hearing. An allegation he failed to accurately disclose income on his 2012 Form 6 was dismissed with a finding of no probable cause.

No probable cause was found to believe Dunnellon City Administrator **DAWN BOWNE** misused her position to solicit funds from vendors for city staff and officials.

The Commission found no probable cause in a self-initiated investigation – required by statute – to believe **HUMBERTO J. CONTRERAS**, an employee of Miami-Dade County, willfully failed or refused to file his 2015 Form 1 disclosure.

In another such investigation, probable cause was found to believe **WENDY POWELL**, member of the Boca Raton Housing Authority, willfully failed or refused to file her 2015 Form 1 disclosure.

In an investigation required of the Commission based on findings in a random audit of the Executive Branch lobbying firm **ANDREW J. LILES**, the Commission found probable cause to believe the firm filed an inaccurate compensation report in each of the four quarters of 2016.

Another required investigation based on findings of a random audit of **LESTER ABBERGER**, an executive branch lobbying firm, resulted in a finding of probable cause that the firm reported compensation from two entities for which it was not registered to lobby, in all four quarters of 2016. The Commission found probable cause to believe the firm reported incorrect compensation from two principals for the first quarter of 2016.

Another such investigation of **PRUITT & ASSOCIATES, LLC**, resulted in a probable cause finding that the firm filed an inaccurate compensation report for all quarters of 2016.

Probable cause was found to believe **WILSON & ASSOCIATES, LLC**, failed to properly identify its principal for each of the four quarters of 2016. The Commission also found probable cause to believe the lobbying firm overstated compensation in all quarters of 2016, and underreported compensation in the second and fourth quarters of 2016.

The Commission found probable cause to believe the lobbying firm of **TC WOLFE** filed inaccurate compensation reports for three quarters of 2016.

The Commission considered a referral from Brad King, the State Attorney of the Fifth Judicial Circuit concerning Dunnellon Mayor **WALTER GREEN**. The Commission found probable cause to believe the mayor solicited gifts from vendors of the City, which is prohibited by Florida's gift law. However, no probable cause was found to believe he accepted prohibited gifts from the vendors because the investigation determined the Mayor did not accept the gifts.

Three referrals by the State Attorney for the Sixteenth Judicial Circuit, Dennis Ward, regarding Islamorada Village Council Members **MIKE FORSTER**, **CHRIS SANTE**, and **DEBBIE GILLIS** were dismissed as insufficient to investigate.

A complaint filed against **CORPORAL TAYLOR**, an employee of the Pinellas County Jail, was dismissed without investigation. The Commission found public interest would not be served by further proceedings since the allegations were susceptible to remedy by other entities better suited to investigate the nature of the allegations.

A complaint filed against Lee County Sheriff **MICHAEL SCOTT** also was dismissed because the public interest would not be served by further proceedings by

the Commission. The allegations are susceptible to scrutiny and remedy by other entities.

The Commission reviewed thirteen 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: **CARL SCHWING**, Bonita Springs City Manager; **JAMES WILSON**, St. Augustine Beach City Attorney; **UNDINE GEORGE, MARGARET ENGLAND**, and **DONALD SAMORA**, St. Augustine Beach City Commissioners; **MR. DULMER**, Bonita Springs Community Development Director; **GRED KRIDOS**, Assistant State Attorney, 15th Judicial Circuit; **LYNN GRAY** and **MELISSA SNIVELY**, Hillsborough County School Board Members; **EDITH O. MILLER**, Florida Notary Public; **GREGG WEISS**, West Palm Beach Planning Board; **RICK SCOTT**, Governor; and **SPENCER LOFTON**, White Springs Mayor.

PUBLIC SESSION

During its public session meeting, the Commission reconsidered the penalty in the complaint filed against **ROBERT K. ROBINSON**, former North Port City Attorney. Previously, Mr. Robinson was found to have misused his position and violated an additional standard for government attorneys when he offered himself as a candidate for a zoning hearing officer and special magistrate, positions created because of his

recommendations as City Attorney. The Commission's decision in that complaint was appealed to the First District Court of Appeal. The court reversed the finding of a violation of the additional standard for local government attorneys, but upheld the violation of the misuse of position statute and remanded the matter back to the Commission for reconsideration of the penalty. The Commission will recommend a civil penalty of \$5,000 and public censure and reprimand to the Governor for the violation.

After a full evidentiary hearing at the Division of Administrative Hearings, the Commission adopted the recommendation of the Administrative Law Judge finding Riviera Beach City Council Member **KASHAMBA L. MILLER-ANDERSON** did not willfully fail to file her 2015 Form 1 disclosure.

The Commission adopted a formal opinion noting a conflict of interest would be created were a county commission member employed by a subsidiary of a waste management company to act on behalf of a subsidiary of the company doing business with the county. However, if the commissioner terminates his duties for the subsidiary, there would be no conflict.

An opinion adopted by the Commission concerning an employee of the Florida State University College of Medicine determined no conflict is created for the employee by performing the duties of the Deputy Secretary for Health at the Florida Department of Health (DOH). Since he is serving as the Deputy Secretary through an agreement between the university and DOH, and has no contractual relationship with DOH in his private capacity, no conflict exists.

The Commission adopted an opinion on the application of the voting conflict law to a member of a city council. The opinion states the council member is not presented

with a voting conflict concerning changes to the city's land development regulations relating to the city center zoning district wherein the council member and her spouse own property. The facts indicate the number of individuals affected by the vote is large enough that gain or loss to the official would not be "special," as required by 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 VIII. on the July 27th 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.