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TALLAHASSEE—June 9, 2021—Meeting in Tallahassee on June 4th in closed session, the Florida Commission on Ethics took action on 17 matters, Chair JoAnne Leznoff 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.

In a self-initiated proceeding – required by statute – to determine if **MICHELLE KLIGMAN**, Vice President of Human Resources and Chief Experience Officer at Jackson Health System, the Commission found probable cause to believe Ms. Kligman willfully failed to timely file her 2017 Form 1 disclosure.

The Commission considered a complaint filed against Jacksonville Beach City Council Member **KEITH DOHERTY**. Probable cause was found on allegations he failed to disclose businesses in which he served as an officer, director or proprietor, agent or

owned a material interest, on his 2014, 2015, and 2016 Form 1 disclosures. However, the Commission dismissed allegations he failed to disclose that same information on his 2012 and 2013 Form 1 disclosures. The Commission also dismissed an allegation he misused his position to coerce, pressure, or influence City staff to give special privileges to various corporations where he served as a member of the board.

The Commission rejected the recommendation of its Advocate and found no probable cause to believe Sneads Town Council President **MIKE WEEKS** misused his position to direct an employee to take action benefitting his employer. The Commission also found no probable cause to believe he misused his position to benefit his employer and harm the Town relating to an inquiry involving the Florida Department of Environmental Protection.

The Commission also held a probable cause hearing on another Sneads Town Council Member, **DONOVAN WEEKS**. No probable cause was found to believe he misused his position by making inquiries during Town Council Meetings to benefit his employer.

The Commission considered a complaint filed against **BRENT GARDNER**, a member of the Eatonville Community Redevelopment Agency's (CRA) Board of Directors. No probable cause was found to believe he misused his position to influence or attempt to influence the way citizens receive CRA, funds in an effort to benefit a particular citizen.

Probable cause was found to believe Eatonville Town Council Member **MARILYN D. SCONIONS** failed to complete required ethics training. However, no probable cause was found to believe she misused resources within her trust to conduct a background check on a person and share the results with a private citizen via her

public e-mail account while using a public server. No probable cause also was found to believe she allowed her position or public resources to be used by another individual to conduct private business.

In separate complaints filed against Eatonville Community Redevelopment Agency (CRA) Board Members **TARUS MACK** and **THEODORE WASHINGTON**, the Commission found no probable cause to believe they misused their positions to influence or attempt to influence how citizens receive CRA funds in an effort to benefit a particular citizen.

The Commission found no probable cause to believe **ROBERT GIDEL**, former Chairman of the Florida Virtual School Board of Trustees, misused his position in an attempt to obstruct and attenuate an internal whistleblower investigation involving Florida Virtual School staff. An allegation he used information not available to the general public for his personal benefit or to benefit the subject of the investigation was dismissed with a finding of no probable cause.

In a complaint filed against **MELISA W. GIOVANELLI**, Lee County School Board Member, the Commission found no probable cause she misused her position or used information gained by her official position which was not available to the general public, to represent the School Board in a surreptitious meeting with a District employee, without the School Board's authorization.

No probable cause was found to believe **SCOTT TREMBLAY**, Mayor of Port Richey, misused his position to obtain a City golf cart sticker for use on his personal utility vehicle (UTV) so he could operate the vehicle on City streets despite Florida law and local ordinances prohibiting UTVs on City streets.

The Commission found no probable cause to believe **JOHN GIRDLER**, as Chair of the Florida Board of Optometry, misused his position in an attempt to change continuing education requirements to benefit himself or others. No probable cause also was found regarding an allegation he had a conflicting employment or contractual relationship while serving on the Board.

The Commission found no probable cause to believe Miami City Commissioner **JOE CAROLLO** had a conflicting contractual relationship with an attorney or law firm doing business with the City.

In a complaint filed against **JORGE CASTILLO**, Member of and Candidate for the Board of Supervisors for the Cory Lake Isles Community Redevelopment District (CDD), the Commission found no probable cause to believe he misused his position to direct the CDD to send out a mass email to residents to benefit his reelection campaign.

No probable cause was found to believe **SCOTT THURMAN**, Professional Engineering Supervisor III with the Florida Department of Transportation (FDOT), solicited or accepted a letter of recommendation and employment from a business associate who contracts with FDOT. The Commission also found no probable cause to believe he accepted the letter when he knew or should have known it was being provided to influence him. An allegation he misused his position to award a contract to a company employing his former mentor was dismissed with a finding of no probable cause.

The Commission found no probable cause to believe Greenville Town Council Member **BRITTNI BROWN** misused her position to extend preferential treatment to a utility customer.

No probable cause was found to believe Manatee County Commissioner **CAROL WHITMORE** had a voting conflict when she voted on a measure affecting the law firm where her son-in-law works. The investigation revealed the situation remains consistent with the facts outlined in the advisory opinion she previously sought from the Commission.

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: 6 Riviera Beach officials: **JONATHAN EVANS**, City Manager; **KASHAMBA ANDERSON**; **TRADRICK McCOY**, **DOUGLAS LAWSON**, **SHIRLEY LANIER**, and **SUE NIELSEN**, City Council Members; **ROCKY HANNA**, Superintendent, Leon County School District; **JASON HANSON**, Police Officer, Titusville; **JANET M. WATKINS**, City Clerk, Graceville; **KAYLA SHEPPARD**, Employee, Graceville; **MISTY SMITH**, Assistant City Clerk, Graceville; and **TONYA K. BARROW**, City Council Member, Parker.

PUBLIC SESSION

During its public session meeting, the Commission considered a settlement agreement entered into between the Commission Advocate and former Clay County Sheriff/Candidate **FRANCIS DAVID BOURRIE**. The Commission adopted the agreement finding he violated Florida's financial disclosure laws by filing an inaccurate

2019 Form 6 disclosure. A civil penalty of \$1,000 and public censure and reprimand will be recommended to the Governor for imposition.

An advisory opinion adopted by the Commission finds a prohibited conflict of interest would not be created were a city council member to serve on the board of directors of a nonprofit charter high school receiving equivalent residential utility credits from the city. However, the Commission recommended the council member abstain from any votes regarding the credits, to avoid any appearance of a conflict.

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 VI. on the June 4th 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.