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PRESS RELEASE

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TALLAHASSEE—June 8, 2016— Meeting in Tallahassee on June 3rd in closed session, the Florida Commission on Ethics took action on 16 complaints and one referral, Chairman Stanley Weston 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 LORY DURRANCE, Hardee County Industrial Development Authority (IDA) member, violated the voting conflict law by failing to follow disclosure requirements after abstaining on votes between 2009 and 2012 that inured to his own special private gain or loss or that of his employer. However, the Commission will take no further action on the allegation because Mr. Durrance has taken steps to properly disclose conflicts when he abstains

from votes. The Commission found no probable cause to believe that he violated the voting conflict law by his participation in discussion on measures that inured to the special private gain or loss of his employer and failing to disclose a voting conflict. Similarly, no probable cause was found to believe that he violated the voting conflict law on a June 2013 vote and failed to follow disclosure requirements after abstaining on an August 2013 vote regarding Rapid Systems, and that Mr. Durrance participated in those matters without first disclosing a voting conflict. No probable cause was found to believe that he had a prohibited business relationship with the IDA because it opened accounts at the bank where he was employed, or through the sale of property, or that he had a conflicting employment or contractual relationship with the bank because of the accounts or the property sale. No probable cause also was found to believe that he misused his position on the IDA to benefit the bank with regard to the opening of the bank accounts, or that he misused his position to bail out his employer regarding a loan or relationship with an LLC.

The Commission found no probable cause to believe that Quantum Park Overlay Dependent District Commissioner DESHA PENCHEFF had a voting conflict on measures in November 2012 and June 2014. No probable cause also was found to believe that she had a conflicting contractual relationship with an entity that was subject to the regulation of, or doing business with the District. Similarly, an allegation that she had a prohibited business relationship by virtue of her employer doing business with the District was dismissed with a finding of no probable cause. The Commission dismissed an allegation that she misused her position to benefit herself or another was dismissed with a finding of no probable cause.

A referral from State Attorney William P. Cervone was considered by the Commission, which found probable cause to believe that 4th Judicial Circuit Public Defender MATT SHIRK misused his position to hire or direct the hiring of three women, contrary to procedures, policies, qualifications, or normal hiring practices, to engage in workplace or work-related interactions with them that were of personal interest to him and unrelated or marginally related to the function of his office, and to terminate them from their employment for the benefit of himself, his wife, and their marriage. The Commission also found probable cause that Mr. Shirk misused his office by serving or consuming alcoholic beverages in a City building, contrary to a City Code provision. However, no probable cause was found on an allegation that he misused his position to provide key card access to persons, including his wife and son, and that he had the cards and access information canceled, modified, or deleted from the system. Probable cause also was found to believe that he disclosed or used information not available to the general public for his benefit or the benefit of others when he revealed information relating to the representation of a client, obtained in his public capacity, in an interview he gave to a documentary crew interested in his client's case. An allegation that he misused his position or public resources to build a private bathroom and shower in his personal office and to redirect funding approved for other renovations after the City of Jacksonville declined an expense for the bathroom was dismissed with a finding of no probable cause.

The Commission voted to reject the recommendation of its Advocate and find no probable cause to believe that JACK FOX, Boca Raton Airport Authority Board Member, had a conflicting employment or contractual relationship with Runway 5-23 Hangar

Condominium while it was subject to the regulation of the Authority. The Commission also found no probable cause on two allegations that he had a voting conflict, as well as an allegation that he misused his position to benefit himself or someone else, and that he used information gained by his position on the Authority to secure a benefit for himself or others.

The Commission considered a complaint filed against the Vice Chair of the Florida Fish and Wildlife Conservation Commission, ALIESE PRIDDY, finding no probable cause on four allegations that she violated ethics laws. The allegations were: that she misused her position as a member of the FWC to manipulate its policies to benefit herself or others; that she voted on a matter in September 2015 that would inure to her special private gain or loss; that she participated in matters that inured to her special private gain or loss; and that she had a contractual relationship that conflicted with her public duties as a member of the FWC.

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: JOHN C. HITT, University of Central Florida President; CAITLYN ZONA, University of Central Florida Board of Trustees; TYLER YEARGAIN, University of Central Florida Student Government Association Legislative Affairs Coordinator; JAMES V. LOBOZZO, Highlands County Clerk of Courts; B.C.

HOAGLAN, Florida Highway Patrolman; CRAIG COFFEY, Flagler County Administrator; JOSEPH S. GELLER, Florida House of Representatives; GLENN FERRELL, Polk County Sheriff's Office Sergeant; JAMES H. PATTERSON, Assistant State Attorney; KATHY BURNS, Nassau County School Board Member and candidate for Superintendent of Schools; R. TOM FELDT, JR., Coquina Water Control District Board Member; and KATHERINE FERNANDEZ-RUNDLE, 11th Judicial Circuit State Attorney.

PUBLIC SESSION

The Commission adopted a Joint Stipulation filed by the Commission Advocate and RICK JUSTICE, Hardee County Industrial Development Authority (IDA) Board Member. The stipulation states that he violated the ethics laws by having a prohibited business relationship and a conflicting employment or contractual relationship when the IDA did business with the bank where he serves as an officer. The agreement also stipulates that he violated the voting conflict law by failing to follow the disclosure requirements after abstaining from a vote in 2008 and by failing to abstain from voting on a measure that inured to the special private gain of himself, his employer, or a business associate. The Commission recommended a civil penalty of \$4,000 be imposed for the violations of law, plus public censure and reprimand. The penalties will be recommended to the Governor for imposition.

The Commission denied an appeal of a \$50 fine assessed on the executive branch lobbying firm of BRYANT, MILLER, & OLIVE, P.A. The automatic fine was assessed because the firm filed its compensation report one day late and failed to demonstrate in its appeal that the untimeliness was caused by unusual circumstances.

The Commission granted the appeal and waived the \$800 automatic fine assessed on BEN PARKS & ASSOCIATES, an executive branch lobbying firm, for filing its compensation report 16 days late. The Commission determined that the appellant's representations in the appeal constituted unusual circumstances that prevented the firm from timely filing the compensation reports.

An advisory opinion was adopted concerning post-employment restrictions for a former DCF employee. The opinion states that the ethics laws would prohibit a former DCF employee from holding private employment with a community based care organization funded by the Department, because the employment would be in connection with a contract for services that was within the employee's responsibility while employed at DCF.

In another formal opinion, the Commission determined that absent a statutory exemption, a member of a basin board of a water management district would be prohibited from selling, through his company, growth modeling data or services to the district.

An opinion also was sought by a County Commission Candidate. The opinion determined that if elected, the requestor would have a conflict of interest because of his employment with a business that sells vehicle parts to the County. However, if the business is the sole source for a product within the County, the conflict as to the product would be negated. The Commissioner also must comply with the voting conflicts law regarding measures affecting his interest or the interests of his business.

A prohibited conflict of interest would be created for a human services advisory board member to represent a plaintiff in a lawsuit against two nonprofit entities whose funding request must come before the Board, unless the board member receives a waiver as

outlined in the statutes. The Commission advised that the board member must keep his private interests separate from his public responsibilities to avoid allegations of misuse of position or the prohibition of disclosure or use of certain information for personal benefit. The board member must also abstain from voting and comply with other statutory requirements under the voting conflict law on measures that will affect the defendant entities.

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 VII. on the June 3rd 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.