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## PRESS RELEASE

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TALLAHASSEE—June 13, 2018— Meeting in Tallahassee on June 8<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 32 matters, Chair Michelle Anchors 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 probable cause on three allegations regarding **BRYAN MILK**, former Marco Island Director of Community Affairs. Probable cause was found to believe he misused his position to influence a land use and zoning matter on behalf of a company with which he had a business relationship. The Commission also found probable cause to believe the intersection of his public duties with his private business pursuits created a frequently recurring conflict and an impediment to his public duties. An allegation he failed to

disclose ownership in and income from two private entities on his Form 1 Statement of Financial Interests for 2011-2014 also resulted in a finding of probable cause. A fourth allegation that Mr. Milk had a prohibited business relationship with a business selling services to the city or purchased goods or services from a business in which he owned a material interest, was dismissed with a finding of no probable cause.

Probable cause was found to believe Starke City Clerk **RICKY THOMPSON** misused his position by interfering with the supervision of another official's subordinate employee and by obtaining inappropriate benefits for the employee. However, no probable cause was found concerning an allegation he misused city funds to pay his legal fees to defend against the ethics complaint or disclosed information not available to the public to secure a benefit for himself or another person or entity.

The Commission considered a complaint against Apopka Mayor **JOSEPH KILSHEIMER**, and found probable cause to believe he misused his position to secure a source of funding from the city for a company for which has was an officer, director, or business associate. The Commission found no probable cause to believe he had a voting conflict when he voted to approve the consent agenda authorizing an agreement and providing funding for a foundation with which he was associated.

The Commission voted to dismiss a complaint filed against Melbourne City Council Member **BETTY MOORE** because the public interest would not be served by proceeding further.

The Commission found probable cause to believe former Tallahassee City Manager **RICARDO "RIC" FERNANDEZ** misused his position to obtain a catering discount from a city vendor or lobbyist for his daughter's wedding. Probable cause also

was found to believe he misused his position to obtain football tickets and skybox access to four football games. The Commission also found probable cause to believe Mr. Fernandez solicited the catering discount and football tickets from a city lobbyist or vendor in violation of Florida's gift law, as well as that he solicited these things of value with the understanding his official action would be influenced or that he knew or should have known the gifts were given to influence his actions as city manager. Probable cause also was found to believe that if the gifts are deemed to be from an individual or entity not within the definition of vendor or lobbyist, he failed to report the gifts as required by law. No probable cause was found on three allegations concerning misuse of position, unauthorized compensation, or solicitation of a gift in exchange for official action, relating to the employment of an individual with the city who previously worked for the business that catered the wedding of Mr. Fernandez's daughter.

The Commission found probable cause in a self-initiated investigation – required by statute – to believe **MICHELLE R. THAMES**, an employee of the Miami-Dade County Seaport willfully failed or refused to file her 2015 Form 1 disclosure.

In another such investigation, probable cause was found to believe **RONDA VANGATES**, member of the NW 79<sup>th</sup> Street Corridor Community Redevelopment Agency, willfully failed or refused to file her 2015 Form 1 disclosure.

The Commission voted to dismiss a self-generated financial disclosure investigation to determine whether Broward County Public School Principal **CRAIG SADDLER** willfully failed to file his 2015 Form 1 disclosure. The investigation revealed Mr. Saddler did not meet the statutory definition of a "local officer" and therefore should

not have been included on the list of filers provided by the Broward County School District.

A complaint filed against former Alachua City Commissioner **BEN H. BOUKARI, JR.** was dismissed because the public interest would not be served by further proceedings. He was alleged to have violated the anti-nepotism law when his relative was promoted to City Manager by the City Commission.

Complaints filed against **MR. PERRISH** and **V. STOKES**, employees of the Florida Department of Corrections (DOC) were dismissed because the allegations are susceptible to remedy by DOC, prosecutorial authorities, courts, or other entities more suited to handling allegations related to correctional officer and inmate interactions.

The Commission reviewed twenty-one 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: **ALICIA "LATISHA" HOWARD** and **LAURIE "LAURA" BEDARD**, Seminole County Jail Officers; **LARRY BASFORD**, 4<sup>th</sup> Judicial Circuit, Assistant State Attorney; **ANN COFFIN**, Program Director – Child Support Enforcement, Florida Department of Revenue; **DAVID STEWART**, Mayor of Lantana; **S.J. FRY**, Employee of the Florida Department of Corrections; four members of the Clearwater Cay Community Development District Board of Supervisors: **NINO ACCETTA**, Assistant Secretary, **TREVOR DAVISON**, **GERALD LANCASTER**, and

**ALAN GLIDDEN; MARY R. WILKERSON**, Belle Glade City Commissioner; **PETE GAUNTLETT**, St. Cloud Police Chief; **JAY SCHWARTZ**, Pembroke Pines City Commissioner; **JERRY A. CRAIG**, South Fork East Community Development District Board of Supervisors; **DANIEL N. BRUNNER**, Cedar Hammock Fire Control District Chairman; **RICHARD RAMSAY**, Monroe County Sheriff; **JIMMY PATRONIS**, Florida State Fire Marshal; **CLIFTON FISCHER**, District Manager for Waters Edge Community Development District; **NICOLAS MIMMS**, Ft. Pierce City Manager; **ANDREANA JACKSON**, North Bay Village Vice Mayor; and **NORMAN POWELL**, North Bay Village Attorney.

#### **PUBLIC SESSION**

During its public session meeting, the Commission adopted the Recommended Order of an Administrative Law Judge with the Division of Administrative Hearings finding St. Cloud Community Redevelopment Agency member **JOEL DAVIS** willfully failed to file his 2015 Form 1 disclosure. The Commission will recommend the Governor impose the only possible statutory penalty for a willful failure to file, which is removal from public office.

The Commission adopted a joint stipulation filed by the Commission Advocate and **RANDY FOSTER**, finding that as a candidate for Brevard County Commission he violated financial disclosure laws by failing to file an accurate 2015 Form 6 disclosure. Mr. Foster has since corrected his disclosure form and has agreed to the finding of a violation and a civil penalty of \$750, with public censure and reprimand. The penalty will be recommended to the Governor for imposition.

A stipulation filed in a complaint against Webster Mayor **PAUL REMIS** was rejected by the Commission. The matter will be resolved through an administrative hearing before an administrative law judge or Mr. Remis and the Advocate could reach another agreement for the Commission's consideration.

The Commission voted to grant Motions to Dismiss for Lack of Jurisdiction in four self-initiated investigations for a willful failure to file financial disclosure. The matter involving **FRANK SHEIL** was dismissed because the investigation revealed Mr. Sheil's term on the Dundee Board of Adjustments expired in September 2016 and the holding of public office or employment is a necessary element for the Commission to maintain jurisdiction. In the investigation of **CHRIS DAVIS**, Opa-Locka Zoning Board member, it was determined he filed his 2014 Form 1 disclosure form by fax prior to accruing the maximum fine. Bonita Village Community Development District Supervisor **FRANK DROR** submitted his resignation from the board on May 18, 2018, thereby depriving the Commission of jurisdiction in the matter. Also dismissed was a self-initiated investigation as to former Pompano Beach Planning and Zoning Board Member **M. DWIGHT EVANS**, due to his death.

The Commission adopted a formal opinion finding members of the Marjory Stoneman Douglas High School Public Safety Commission are "state officers" required to file financial disclosure.

An opinion adopted by the Commission concerning the members of the Virginia Key Advisory Board determined the board members are not "local officers" subject to the financial disclosure requirements in the ethics laws.

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 June 8<sup>th</sup> 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.