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## PRESS RELEASE

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TALLAHASSEE—March 11, 2020—Meeting in Tallahassee on March 6<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 25 matters, Chair Kim Rezanka 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.

The Commission found probable cause to believe **CARLOS BERUFF**, former Governing Board Member of the Southwest Florida Water Management District, violated financial disclosure laws by failing to properly complete his 2013, 2014, and 2015 CE Form 1. However, no probable cause was found to believe he had a voting conflict by voting on a measure regarding a business associate or by participating in a matter regarding a business associate.

In a complaint filed against **ANDREANA JACKSON**, Vice Mayor of North Bay Village, the Commission found probable cause to believe she misused her position to request and obtain free admission for herself and a friend to a charity event. However, the Commission found no probable cause to believe she solicited the gift from a prohibited donor, undervalued the gift, or failed to report the gift as required by statute. Similarly, no probable cause was found to believe she accepted a gift she knew was valued at more than \$100, from a prohibited donor.

The Commission found probable cause to believe Delray Beach CRA board member and former member of the Downtown Development Authority Board **RYAN BOYLSTON** had a prohibited business relationship and a conflicting contractual relationship by doing business with the Downtown Development Authority. However, no probable cause was found to believe he participated in a matter and voted on measures in which he had a conflict while serving on the Downtown Development Authority and as a member of the Delray Beach City Commission or CRA.

No probable cause was found to believe Brevard County Schools' Assistant Superintendent of Financial Services **PENNY ZUERCHER** misused her position to establish criteria to seek a pay raise for a district employee who was a friend. The Commission also found no probable cause on an allegation she misused her position to hire or advocate for her husband who was an employee of the school district.

The Commission considered a complaint filed against **MICHAEL ANANIA** who served as a member of the Citizens Planning and Advisory Committee for Greater Arlington/Beaches. The Commission voted to find no probable cause to believe Mr. Anania misused his position to obtain a land use zoning exception for his property.

A self-initiated investigation – required by statute – to determine if **ROBERT FERGEN** willfully failed to timely file his 2017 Form 1 resulted in a finding of probable cause. However, the Commission will take no further action on the allegation due to the particular circumstances of the matter.

After reviewing the results of a self-initiated investigation – required by statute – the Commission found no probable cause to believe **JAY FRANCIS SHANNON**, a District Legislative Assistant with the Florida Senate, willfully failed to timely file his 2017 Form 1.

In another self-initiated investigation – required by statute – the Commission found probable cause to believe that **LAWRENCE MALANGA** willfully failed to timely file his 2017 Form 1.

Similarly, in a self-initiated investigation – required by statute – probable cause was found to believe Tampa Employees Retirement Board Member **STEVE KENNY** willfully failed to file his 2017 Form 1.

The Commission voted to dismiss a complaint filed against **MARY C. ESTIME-IRVIN**, North Miami City Council Member who formerly served as a member of the City's Planning Commission and Board of Adjustment. The complaint made several allegations regarding the filing of her 2014 through 2018 Form 1 disclosures.

The Commission reviewed 15 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 VAUGHN** and **KELLY DOBSON** Brevard County Deputy Sheriffs; **CHRIS SEARS**, former Mayor, Howey-In-The-Hills; **ALVIN BURKE**, Opa-locka City Commissioner; **JOANNA FLORES**, Employee, Opa-locka City Commission; **STEPHEN STEINMEYER**, Correctional Probation Officer; **KARYN CUNNINGHAM**, Mayor, Palmetto Bay; **RONALD THOMAS**, Brevard County Deputy Sheriff; **JASON PIERMAN**, District Manager, Special District Services, Inc; **BENJAMIN DUPONT**, Certified Public Accountant; **GRAHAM FOUNTAIN**, County Commissioner, Okaloosa County; **MARTHA MacFARLANE**, Mayor, Howey-In-The-Hills; **BRIAN BERLANGER**, Treasurer, Barefoot Bay Over 60 Softball League; **HAROLD SCHREIBER**, Secretary, Barefoot Bay Over 60 Softball League; and **DAWN MYERS**, former District Clerk, Barefoot Bay.

#### **PUBLIC SESSION**

The Commission took final action and adopted a Recommended Order from an Administrative Law Judge (ALJ) of the Division of Administrative Hearings, concerning a complaint filed against Lantana Mayor **DAVID STEWART**. The Commission's action finds Mr. Stewart did not violate ethics laws and dismissed a complaint that he misused his position or solicited or accepted something of value from a constituent in exchange for his official action.

The Commission also adopted a settlement agreement entered into between the Commission Advocate and **ANTHONY SANDERS**, Hallandale Beach Mayor and member of the city's Community Redevelopment Agency. In the agreement, Mr. Sanders admits he had a conflicting contractual relationship that could create a recurring conflict or impede the full and faithful discharge of his public duties; that he accepted a thing of value when he knew or should have known it was given to influence

him in his official capacity; and that he accepted a prohibited gift. Other allegations concerning the acceptance and reporting of gifts as well as misuse of office were dismissed pursuant to the agreement. A civil penalty of \$3,500 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission also adopted a settlement agreement filed prior to a finding of probable cause concerning Pinellas Park Mayor and City Council Member **SANDRA L. BRADBURY**. Ms. Bradbury violated the gift law by accepting a gift of free legal services valued at more than \$100 from the city attorney, a prohibited donor. She also violated the conflicting employment statute by engaging in a contractual relationship with the city attorney for personal legal services. Other allegations related to the provision of free legal services were dismissed. A civil penalty of \$1,250 and public censure and reprimand will be recommended for imposition by the Governor.

A formal opinion adopted by the Commission find that the mayor emeritus of Cape Canaveral is a public officer subject to the Code of Ethics, but is not required to file annual financial disclosure because he would not meet the legal definition of "local officer" found in the disclosure statutes.

The Commission also adopted an opinion where a town commissioner with a non-equity membership in a country club seeking to lease property from the town is not presented with a prohibited business relationship or a conflicting contractual relationship under the ethics laws. However, the commissioner should abstain from the vote to avoid the appearance of impropriety.

An opinion provided to the incoming Commissioner of the Office of Financial Regulation noted that under the circumstances presented, a conflict of interest is not created by the sale of his law firm via seller financing.

In addition, during public session consideration of legislative matters, the Commission voted to oppose the language in HB 1435 & SB 1490 permitting the solicitation and acceptance of **unlimited** gifts and expenditures from lobbyists, principals of lobbyists, and agency vendors for costs associated with the care and treatment of serious bodily injuries and serious illnesses of employees or appointed officials or the spouse/child(ren) of such employees or officials.

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 VIII. on the March 6<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.