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## PRESS RELEASE

For Immediate Release  
March 9, 2016

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TALLAHASSEE—March 9, 2016— Meeting in Tallahassee on March 4<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 14 complaints, 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.

Probable cause was found to believe that RICK JUSTICE, Hardee County Industrial Development Authority (IDA) member, had a prohibited business relationship with the IDA because the bank where he served as an officer was doing business with the IDA. The Commission also found probable cause to believe that Mr. Justice had a conflicting employment or contractual relationship with the bank because it was doing business with the IDA. Probable cause also was found to believe that he failed to follow

voting conflict law requirements regarding August 2008 and July 2009 votes that inured to his special private gain or loss, the special private gain or loss of his employer, or the special private gain or loss of his business associates.

The Commission found no probable cause to believe that St. Johns County Commissioner PRISCILLA "RACHAEL" BENNETT, who also served as the County's representative on the North Florida Regional Transportation Planning Organization, had a voting conflict when she voted in May 2103 on a matter that allegedly benefited an entity with whom she had a contract. No probable cause also was found regarding an allegation that she misused her position concerning a proposed extension of a state road in order to benefit an individual or their businesses. An allegation that she had an employment or contractual relationship with an entity that was doing business with her agency was dismissed with a finding of no probable cause.

Probable cause was found on five allegations in a complaint filed against Deerfield Beach Mayor JEAN ROBB. The allegations were that she: accepted donations for her chosen charities in exchange for her directing the City's code enforcement division not to pursue enforcement proceedings against the donor; accepted contributions for charities/organizations of her choice, when she knew or should have known the donations were given to influence her official actions; misused her position to direct the code enforcement office to not pursue the individual who made the donations to her designated charities; misused her position to direct City staff to issue a beach parking sticker normally reserved for City employees and officials to her pastor, who was not a City official, staff member, or volunteer; and misused her position and City

resources to arrange for a street sweeper to service the parking lot of her church after a church function.

Separate complaints filed against HARVEY E. CLARK, Seminole County Fleet and Facilities Program Manager, and Seminole County Solid Waste Division Operations Manager BRET LABRAM were considered by the Commission. No probable cause was found to believe that Mr. Clark and Mr. LaBram misused their positions to help a County subcontractor overbill the County, or used their positions to terminate the employment of a subordinate employee after the employee attempted to expose subcontractor overbilling to other officials within the County government.

The Commission voted to dismiss a complaint concerning SERGEANT MYERS, an employee of the Florida Department of Corrections, finding that the public interest would not be served by further proceedings.

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: SERGEANT TANNER, Santa Rosa Correctional Institution employee; DOUG BELDEN; Hillsborough County Tax Collector; JOHN DUBOSE, Assistant State Attorney in Pensacola; MIKELL THOMPSON, Hardee County Commission Chair and liaison to the Hardee County Industrial Development Authority/Economic Development Council; KAREN GAGLIARDI, South Fork East

Community Development District Board of Supervisors Vice Chair; KENDAL MAY, Correctional Officer at the Holmes Correctional Institution; L. PETERSON, Northwest Florida Reception Center Librarian; and DONNA FIALA, Collier County Commissioner.

### **PUBLIC SESSION**

The Commission voted to dismiss a petition for costs and attorney's fees filed by Gulf Stream Town Attorney JOHN "SKIP" RANDOLPH against Christopher F. O'Hare, the complainant in a previously dismissed complaint against Mr. Randolph.

The Commission adopted a Joint Stipulation filed by the Commission Advocate and DANIEL FILS-AIME, SR., member of the CareerSource South Florida, Region 23 Board, in a self-generated complaint proceeding initiated by the Commission to determine if Mr. Fils-Aime willfully failed to file his 2013 Form 1 disclosure. The agreement states that he willfully failed to file his disclosure for the 2013 calendar year and recommends the Governor remove him from his public office, which is the only available penalty for violation of the statute.

In another self-generated complaint proceeding concerning a willful failure to file disclosure, the Commission considered a Motion to Dismiss filed by the Commission Advocate in the complaint against RICK BERTEL, member of the Indianalantic Zoning and Planning Board and the Bayfront Community Redevelopment Agency. The Commission granted the Advocate's motion for dismissal on the grounds that the Commission no longer has jurisdiction because of Mr. Bertel's resignation from the boards in February 2016.

An advisory opinion was adopted concerning a county advisory board member contracting with and obtaining permits from the county. The Commission determined that a prohibited conflict would be created if a company owned by a member of an advisory board

to a county commission contracts with the county to provide summer programs, unless the contract meets an exemption in the statute. A conflict also is created if the board member's company obtains permits from the county's parks and recreation department, as the member's board has the ability to influence the guidelines governing the permit program, unless a waiver is obtained. The board member will be required to comply with the voting conflict statute regarding measures concerning the permit program guidelines.

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 VIII. on the March 4<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 that include removal from office or employment and fines up to \$10,000 per violation.