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## PRESS RELEASE

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TALLAHASSEE—March 14, 2018— Meeting in Tallahassee on March 9<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 20 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 no probable cause on four allegations regarding Palm Beach Gardens Town Attorney **JOHN C. RANDOLPH**. No probable cause was found to believe he referred the town's legal work to his law firm without proper authorization. The Commission also found no probable cause to believe he misused his position to authorize his firm to go beyond the scope of legal work approved by the town or billed the town for work it had not authorized.

The Commission found no probable cause to believe **WILLIAM GANZ**, Deerfield Beach City Commissioner and Mayor, misused his position to have law enforcement intimidate or retaliate against a citizen for expressing opposition to an ordinance proposed by Mr. Ganz.

Probable cause was found to believe Sweetwater City Commissioner **MARCOS VILLANUEVA** violated Florida's financial disclosure laws by failing to accurately complete 2016 financial disclosure forms.

In a complaint filed against Madeira Beach Interim City Manager and former Fire Chief **DERRYL O'NEAL**, the Commission found probable cause to believe he misused his position to store his personal jet ski at the city's lift.

The Commission found probable cause in a self-initiated investigation – required by statute – that Assistant Regional Counsel in the Third District Office of Criminal Conflict and Civil Regional Counsel **FREDDY MOLDOVAN** willfully failed to file his 2015 Form 1 disclosure. However, it voted to take no further action unless Mr. Moldovan requests a hearing.

The Commission found no probable cause on a self-generated financial disclosure investigation to determine whether Lake Wales Historic District Regulatory Board member **ERIKA B. (SCHINDLER) RUNKLE** willfully failed to file her 2015 Form 1 disclosure. There was insufficient evidence to demonstrate she received the required notice.

In a consolidated matter involving a complaint and referrals concerning **JUDITH BENSON**, Seminole County Soil & Water Conservation District Commissioner, the

Commission rejected the recommendation of its Advocate and found no probable cause to believe she misused her public position to benefit another's candidacy.

A complaint filed against **JULIANA A. BUJALSKI** was dismissed because the public interest would not be served by further proceedings. In 2016, a complaint against Ms. Bujalski was investigated for nearly identical allegations and was dismissed with a finding of no probable cause.

The Commission reviewed eleven 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: **SCOTT ISRAEL**, Broward County Sheriff; **MORLEY BARNETT**, Inspector General, Florida Atlantic University; **VINCENT GIZZI**, Director of Parks & Recreation, Dunedin; **JOSEPH CIURRO**, Finance Director, Dunedin; **BENJAMIN DIAMOND**, former Board Member, Pinellas Suncoast Transit Authority; **PHYLLIS SMITH**, North Miami Beach City Commissioner; **JAMES "EDDIE" SIMS**, Mayor of Bonifay; **LINDA COX**, City Clerk/Assistant City Manager, Ft. Pierce; **TRAVIS PALLEDENO**, former Mayor of Madeira Beach; **DAVID BUCKLES**, Board Member, Putnam County School Board; **RICHARD SURRENCY**, Superintendent, Putnam County School District; and **CHANDLER WILLIAMSON**, City Manager, Pahokee.

**PUBLIC SESSION**

The Commission adopted a settlement agreement between the Commission Advocate and **ANDREA YOUNG**, West Melbourne City Council Member and candidate for the Brevard County Commission. The agreement, filed prior to a finding of probable cause, finds Ms. Young violated financial disclosure laws by filing an inaccurate 2015 Form 6 when she qualified to run for county commissioner. The Commission recommended a civil penalty of \$500 be imposed by the Governor.

In a pre-probable cause stipulation with the Commission Advocate adopted by the Commission, Columbia County Commissioner **RUSSELL DePRATTER** agreed to a civil penalty of \$1,000 and public censure and reprimand, for having a conflicting employment or contractual relationship regarding his fence company, and for violating the voting conflict law. As a part of the settlement agreement, the Commission found no probable cause on other allegations. The penalty recommendation of \$1,000 and public censure and reprimand will be referred to the Governor for imposition.

The Commission adopted another stipulation prior to a finding of probable cause concerning Brevard County Commissioner **CURT SMITH**. The agreement finds he violated the ethics laws by filing inaccurate 2014 and 2015 Form 6 disclosures. A civil penalty of \$1,750 will be referred to the Governor for imposition.

In a settlement agreement between the Commission Advocate and **MITCHELL E. "MITCH" REEVES**, former Mayor of Atlantic Beach, the Commission adopted findings that he had a conflicting employment or contractual relationship when the City purchased supplies for the police department from his employer. As a part of the settlement, the Commission found no probable cause and dismissed allegations of a

voting conflict when he voted on the City's budget, and a prohibited business relationship, because he did not hold a position of officer or director with the company while it was doing business with the City. A civil penalty of \$1,000 for the violation will be referred to the Governor for imposition.

The Commission adopted an order dismissing a petition for costs and attorney's fees filed by Nassau County Property Appraiser **JOHN DREW** against Carlos Slay, the complainant in a previously-dismissed complaint filed against Mr. Drew. The petition was dismissed because Mr. Drew and Mr. Slay reached a settlement in the matter. Since the Commission on Ethics is not a party to fees petitions, the Commission had no role in the settlement.

The Commission also voted to dismiss a petition for costs and attorney's fees filed by Hillsborough County Commissioner **KEN HAGAN** against George Niemann, the complainant in a previously-dismissed complaint against Mr. Hagan, because the petition failed to state a sufficient claim for fees and costs as required by law.

A complaint filed against Cape Coral Mayor **MARNI (RETZER) SAWICKI** was considered during public session because Ms. Sawicki waived confidentiality. The Commission adopted the Advocate's Amended Recommendation finding no probable cause on all four allegations. The allegations were: she accepted gifts from an individual with the understanding her vote, official action, or judgement would be influenced; she accepted things of value when she knew or should have known they were given to influence action in which she was expected to participate; she knowingly accepted a gift with a value of more than \$100 from a vendor of the city; and she failed to timely file a gift disclosure for gifts she received valued at more than \$100.

Similarly, Escambia County Commissioner **DOUGLAS UNDERHILL** waived confidentiality and his complaint was considered during public session. The Commission found no probable cause to believe he misused his position to request the county commission approve the payment of his legal expenses from lawsuits pertaining to his alleged actions prior to becoming a public official.

In a formal opinion adopted by the Commission, a sole source exemption was applied to negate a conflict of interest created by a deputy sheriff who co-owns a company wanting to sell a particular product to the sheriff's office where he is employed.

The Commission adopted a formal opinion concerning the applicability of the revolving door restrictions to former state selected exempt employees. The opinion states a former employee of the Department of Health with a particular public employee work history is prohibited from representing a person or entity before the Department's prosecution services unit or its Board of Medicine for two years after vacating his position. However, the former employee is not prohibited during that time from representation before the Department's other professional boards or in matters adverse to the Department at the Division of Administrative Hearings, provided the representations do not include his interacting with attorneys and personnel with either the prosecution services unit or the Board of Medicine.

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 IX. on the March 9<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.