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TALLAHASSEE—October 25, 2017— Meeting in Tallahassee on October 20th in closed session, the Florida Commission on Ethics took action on 48 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.

In separate complaints considered by the Commission, no probable cause was found to believe that Tampa Mayor **BOB BUCKHORN** and Hillsborough County Commissioners **KEN HAGAN** and **SANDRA MURMAN** violated Florida's Code of Ethics. The allegations were that they each solicited or accepted in-kind campaign services based on an understanding that their official action would be influenced or that they accepted those services when they knew or should have known that the services were being given to influence them; that they corruptly misused their positions for their

personal benefit or for the benefit of others; that a city or county contract was awarded to an individual while the officials had a contract with that individual; that they solicited a gift from a lobbyist or vendor of their agency; that they accepted a prohibited gift from a vendor or lobbyist with a value of more than \$100; and that they failed to report a gift valued at more than \$100.

The Commission found probable cause to believe that Walton County Zoning Board of Adjustments member **ANTHONY VALLEE** had a conflicting employment relationship that created a frequently recurring conflict between his private interests and the proper performance of his public duties or that impeded the full and faithful discharge of his public duties. However, the Commission found no probable cause to believe he voted on matters in which he had a conflict and that he participated in those matters without first disclosing his conflict.

Probable cause was found to believe that former Representative **DOUGLAS ARLINGTON HOLDER**, District 74, filed an inaccurate Form 6 disclosure for the years 2010-2013. The Commission also found probable cause to believe that Mr. Holder filed an inaccurate and untimely 2014 Form 6F and that he failed to disclose a gift that was valued at more than \$100.

A complaint filed against former DeBary Mayor **CLINT JOHNSON** also was considered by the Commission. There were seven allegations surrounding a personal bicycle trip he took from Tallahassee to Key West. No probable cause was found to believe that he solicited or accepted sponsorships, food, beverages, hotel stays, and other items on the trip, based upon an understanding that his official action would be influenced by those items. No probable cause also was found to believe that he

accepted those things when he knew or should have known they were given to influence him in a matter in which he was expected to participate. Similarly, no probable cause was found to believe that he accepted prohibited gifts from vendors or lobbyists of the City, or solicited a gift from a lobbyist or vendor of DeBary. The Commission found probable cause to believe that Mr. Johnson failed to disclose gifts valued at more than \$100 and misused his position to secure the use of a trail bicycle from a bicycle shop in a neighboring town, but will take no further action on the allegations. Seven additional allegations in the complaint were related to a "State of the City" mailer Mr. Johnson sent to constituents, the costs of which were underwritten by advertisements he sold. No probable cause was found to believe he solicited the ads based on an understanding that his official action would be influenced or that he knew or should have known that the advertisements were purchased in an effort to influence him. Similarly, no probable cause was found to believe he solicited a gift from a vendor or a lobbyist or accepted a gift exceeding \$100 in value from a vendor or lobbyist, or accepted a gift valued at more than \$100 and failed to report it. The Commission found no probable cause to believe Mr. Johnson misused his position or City resources for his personal benefit regarding the printing of the mailer. An allegation that he had a contractual relationship with an entity doing business with the City also was dismissed with a finding of no probable cause.

A complaint filed against Port Malabar Holiday Park Mobile Home Park Recreation District Manager **JODY STOROZUK** was reviewed by the Commission. Probable cause was found to believe he violated the anti-nepotism law by employing

one or more of his relatives to work for the district. Probable cause also was found on an allegation that he corruptly misused his position to benefit himself and his family.

The Commission found no probable cause to believe that Broward County Sheriff **SCOTT ISRAEL** misused his position to solicit gifts for the benefit of his children from vendors and lobbyists of the Sheriff's office. The Commission also found no probable cause concerning other allegations surrounding the gifts, because Sheriff Israel reimbursed the vendors within the statutorily-required time frame in an amount sufficient to bring the value of the gifts down to the legal limit. Allegations were: that he failed to report gifts as required by law; that he solicited or accepted gifts based on an understanding that his official action or judgement would be influenced; that he accepted the gifts when he knew or should have known that they were given to influence him in an action in which he was expected to participate, and that he solicited gifts from lobbyists and vendors. The Commission also found no probable cause to believe he misused his position or official resources for campaign-related activities in support of his re-election campaign.

The Commission found no probable cause to believe that former Marathon City Councilmember and Vice Mayor **BILL KELLY** had a voting conflict when he voted on a measure to suspend a procedural rule in order to allow the council to revisit a vote regarding a restaurant with which he periodically had an employment or contractual relationship. The Commission also found no probable cause to believe he misused his position when he voted to suspend the procedural rule. An allegation that he had a conflicting employment or contractual relationship with Sunset Grille while the

establishment had issues pending before the City also was dismissed with a finding of no probable cause.

In a complaint filed against Marathon City Councilmember **JOHN BARTUS**, the Commission found no probable cause to believe he misused his position to vote or participate in a measure relating to a restaurant at which he was employed.

The Commission found no probable cause to believe that Dunedin Mayor **JULIE W. BUJALSKI** misused her position to receive preferential treatment regarding past due payments owed to the City for her rental of a boat slip.

The Commission found probable cause in a self-initiated investigation involving Riviera Beach City Councilmember **KASHAMBA L. MILLER-ANDERSON**. The investigation – required by law – was undertaken to determine whether her failure to file her 2015 Form 1 Statement of Financial Interests was willful.

A Commission-initiated investigation of Broward County School Principal **JOCELYN M. REID** resulted in a finding of probable cause to believe she willfully failed or refused to file her 2015 Form 1 disclosure.

The Commission found probable cause to believe St. Cloud Community Redevelopment Agency member **JOEL DAVIS** willfully failed or refused to file his 2015 Form 1 disclosure as required by law.

In an investigation required of the Commission based on findings in a random audit of Executive Branch lobbying firm **CAPITOL GROUP, INC.**, the Commission found probable cause to believe the firm inaccurately listed a principal for the first quarter of 2015. Probable cause also was found to believe the firm filed an inaccurate

compensation report for that same reporting period, and for the second, third, and fourth quarters of 2015.

Another required investigation based on findings of a random audit of **FRANK MEINERS GOVERNMENTAL CONSUTANTS, LLC.**, an executive branch lobbying firm, resulted in a finding of no probable cause on three issues: that its sole lobbyist withdrew his registration associated with the firm; that they failed to have a valid principal authorization on file for one of their principals; and that they created a contradiction between the 2015 executive lobbying firm directory and their compensation reports.

The Commission also conducted a required investigation of the **SAYFIE LAW FIRM** based on the findings of a random audit. Probable cause was found to believe that the executive branch lobbying firm under-reported compensation received from a principal for the third and fourth quarters of 2015.

Another required investigation based on the findings of a random audit was conducted on the executive branch lobbying firm of **SHUTTS & BOWEN, LLP**. The Commission voted to find no probable cause to believe the firm overstated compensation for a principal for the third quarter of 2015 and for two different principals for the fourth quarter of 2015. The Commission also found no probable cause as to an allegation that the firm reported compensation from principals they were not registered to represent.

In another investigation required of the Commission based on findings in a random audit of Executive Branch lobbying firm **THE COMMERCE GROUP**, the

Commission found no probable cause to believe the firm overstated its executive branch lobbying compensation received from a principal for each quarter of 2015.

The Commission dismissed a self-initiated investigation involving Florida Commission on Human Relations Commissioner **WILLIAM WHITEFOX STALL**. The investigation – required by law – was undertaken to determine whether his failure to file a 2015 Form 1 Statement of Financial Interests was willful. Mr. Stall resigned from his position during the course of the investigation, and no longer holds any public office or employment; therefore, the Commission on Ethics lacks jurisdiction to proceed.

The Commission voted to dismiss two complaints, finding the public interest would not be served by proceeding further. A complaint filed against Senior Vice President of the University of Florida and Chief Executive Officer of Shands Hospital **DAVID GUZICK** was dismissed because the allegations in the complaint are subject to scrutiny by the Office of Internal Audit at the university, or similar entities which are equipped to review the administrative/management subject matter outlined in the complaint. A complaint filed against **SGT. MOODY**, an employee of the Department of Corrections (DOC), was dismissed because the allegations concern alleged conduct within the environment of the correctional institution and should be addressed through DOC.

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: **BARBARA GOODSON**, Senior Financial Analyst, Attorney General's Office of Statewide Prosecution; **RICK SCOTT**, Governor; **BILL EDDINS**, State Attorney, 1st Judicial Circuit; **MARK D. DAVIS**, former Walton County Attorney; **BILL CHAPMAN**, Vice Chair, Walton County Commission; **TENA M. PATE**, **RICHARD D. DAVISON**, and **MELINDA N. COONROD** Commissioners, Florida Commission on Offender Review; **ANNE GANNON**, Tax Collector, Palm Beach County; **BUDDY BURGESS**, Code Enforcement Officer, Walton County; **NATHAN THORNTON**, Captain, Florida Department of Corrections; **RANDAL SMITH**, Sergeant, Florida Department of Corrections; three complaints against **IRVING M. PLUMMER** and one complaint against **JAYNE TINGLEY**, members of the Board of Supervisors, River Bend Community Development District; two complaints each against **DOROTHY MILES** and **DANNY FAIRCLOTH**, members of the Board of Supervisors, Coquina Water Control District; **STEVE ROSE** and **JOE WELLS**, Deputies, Putnam County Sheriff's Office; **WILLIAM TRUEX**, Charlotte County Commissioner; **J. K. BUDDY IRBY**, former Clerk of Court, Alachua County; **THOMAS D. EPSKY**, Member, Florida Reemployment Assistance Appeals Commission; and **CHARLIE SMITH**, Midway City Councilmember.

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The Commission dismissed a self-initiated proceeding – required by law – to determine if North Miami Beach Planning & Zoning Board Member **LARRY THOMPSON** willfully failed or refused to file his 2014 Form 1 Statement of Financial Interests. Mr. Thompson resigned his position on the board on October 19th and no

longer holds any public office or employment; therefore, the Commission on Ethics lacks jurisdiction to proceed.

The Commission found a petition filed by Nassau County Property Appraiser **JOHN DREW** seeking attorney fees and costs from Carlos Slay, the complainant in a previously-filed complaint against him, legally sufficient for a public hearing at the Division of Administrative Hearings. The hearing will determine whether or not Mr. Slay is liable to Mr. Drew for his legal fees and costs incurred as to the complaint, and if so, in what amount.

A fees petition filed by **YVETTE WEEKES**, Vice Chair of the Cypress Cove Community Development District, was dismissed because the petition failed to allege facts indicating that the complainant filed the complaint with knowledge it contained one or more false allegations or with reckless disregard for whether the complaint contained false allegations of fact material to an ethics violation. Additionally, the petition was not filed by Ms. Weekes or an attorney on her behalf, as required by law.

The Commission adopted settlement agreements entered into between the Commission Advocate and four Monroe County Commissioners. The stipulations in the complaints filed against **DANNY KOLHAGE, HEATHER CARRUTHERS, DAVID PAYNE RICE**, and **SYLVIA JEAN MURPHY**, which were entered into prior to a probable cause determination, find that each official violated the ethics laws concerning their annual Form 6 disclosure for the years 2012, 2013, 2014, and 2015. Each Commissioner has filed amended disclosure forms to correct their errors. Civil penalties will be recommended to the Governor for the violations of law: \$5,000 for Mr. Kolhage and Ms. Carruthers, \$6,000 for Ms. Rice, and \$4,000 for Ms. Murphy.

The Commission adopted a formal advisory opinion finding a prohibited conflict of interest would not be created were the superintendent of a public school district to award, or recommend a construction contract be awarded, to a company partly owned by the superintendent's adult stepchild.

Another opinion adopted by the Commission finds that the Monroe County senior director of budget and finance is a "local officer" required to file an annual Form 1 Statement of Financial Interests. However, the finance director within the Monroe County Clerk & Comptroller's Office is not statutorily required to file an annual financial disclosure form.

In an opinion provided to the Florida Board of Governors of the State University System, the Commission determined that under the circumstances presented, no prohibited conflict would be created were a company of which a member of the Board serves as chief executive officer to donate land, money, or construction services to a state university. Similarly, no conflict would be created if the university contracts with a health care provider providing services in the company's residential community. However, the Board member is required to comply with the participation and voting conflict laws regarding matters concerning the donations as well as other matters affecting the economic interests of his company or its related entities.

In another opinion, the Commission determined that no prohibited conflict exists for a city commissioner who retains a public relations firm to identify and create events using various media platforms to increase his exposure in the community, provided the firm is not doing business with or regulated by the city commission. Also, provided the

commissioner has paid the firm the full and fair market value for the services provided, they would not constitute a gift under Florida's ethics laws.

The Commission also adopted an opinion providing guidance to a former employee of the Florida Department of Business and Professional Regulation regarding the applicability of the two-year restriction on representing persons or entities before the employee's former divisions, bureaus, and boards.

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 October 20th 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.