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PRESS RELEASE

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TALLAHASSEE— September 14, 2022—Meeting in Tallahassee on September 9 in closed session, the Florida Commission on Ethics took action on 19 matters, Chair John Grant announced today. Seven of those matters were considered for probable cause. 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 considered a complaint filed against **MIRIAM R. HILL**, Ocean Highway and Port Authority Commissioner. No probable cause was found to believe she violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit or that she misused her position when handling a grant application for the Port Authority. No probable cause was found on an allegation she used information not available to the general public for her benefit during the grant application process.

The Commission rejected the recommendation of its Advocate and found no probable cause to believe Osceola County School Board Member **JON ARGUELLO** violated Florida's Constitution and disclosure laws by filing an inaccurate 2020 Form 6.

Probable cause was found to believe former Broward County Transit Director of Maintenance **JAMES FOURCADE** misused his position when his department prepared bid specifications for brake refurbishing kits that included terms that would benefit a particular vendor. In addition, probable cause was found to believe Mr. Fourcade provided a competitive advantage to the vendor when he provided them with information not available to the general public.

Probable cause was found to believe former St. Johns County Utility Department Manager **RICHARD NELSON** violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and that he misused his position when he used his authority to ensure the County would make purchases from his private business, Technical Field Services, Inc. (TFS). Probable cause was found to believe Mr. Nelson also had a conflict of interest arising from the County doing business with TFS. An allegation he had a conflicting employment or contractual relationship based on his private business' (TFS) interaction with the County also resulted in a finding of probable cause.

The Commission found probable cause to believe former Saint Augustine Beach City Commissioner **ERNESTO TORRES** violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit, solicited a favor from law enforcement with the understanding his official action or judgment would be influenced, and attempted to use his public position for his and his wife's personal benefit when he interfered with a DUI traffic stop involving his wife.

The Commission held a probable cause hearing on multiple allegations regarding currently suspended Sumter County Commissioner **OREN MILLER**. Probable cause was found to believe Mr. Miller violated Florida's gift law by failing to timely report donations for his legal fund received during the fourth quarter of 2021 and first quarter of 2022. Probable cause also was found on an allegation that Mr. Miller failed to file an accurate CE Form 9 for quarter ending June 2022. The Commission found no probable cause on three additional allegations: accepting things of value when he should have known it was given to influence his official action; soliciting donations from lobbyists or vendors of Sumter County; and knowingly accepting a contribution exceeding \$100 from a vendor doing business with Sumter County.

The Commission rejected the recommendation of its Advocate and found probable cause to believe Broward County Sheriff **GREGORY TONY** misused his public position when he provided false information or did not disclose information during the hiring process for his employment with the Coral Springs Police Department; when he provided false information or did not disclose information during the appointment process for his service as Broward County Sheriff; when completing a notarized Form 68 submitted to FDLE while serving as Broward County Sheriff; and when applying to renew his driver's license while serving as a law enforcement officer.

After reviewing the results of a self-initiated investigation – required by statute – the Commission found probable cause to believe **ROBERT E. FERGEN**, Division Chief for the Miami-Dade Water Operations and Maintenance Division, willfully failed to timely file his 2018 Form 1. However, no further action will be taken by the Commission due to the particular circumstances of the matter.

In another self-initiated investigation – required by statute – the Commission found probable cause to believe that **TEANDRA EVETTE CALIXTE**, a principal with Miami-Dade County Public Schools, willfully failed to timely file her 2018 Form 1. However, no further action will be taken by the Commission due to the particular circumstances of the matter.

The Commission reviewed 10 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: **KIM A. BARTON**, Alachua County Supervisor of Elections; **RUSSELL MEEKS**, Otter Creek Mayor; **ELIZABETH SIEBERT**, Candidate for Indian River County Commission; **MARYBETH HENDERSON**, Town of Redington Shores Mayor; **TIMOTHY NARGI**, Harbor Bay Community Development District Supervisor; **JEFF H. RAWLS**, Putnam County Commissioner; **KEVIN VAN OSTENBRIDGE**, Manatee County Commissioner; **VANESSA BAUGH**, Manatee County Commissioner; **JAMES SATCHER**, Manatee County Commissioner; **JON ARGUELLO**, Osceola County School Board Member.

PUBLIC SESSION

During its public session meeting, the Commission took final action and adopted a Joint Stipulation between Town of Redington Shores Mayor **MARYBETH HENDERSON** and the Commission Advocate, entered into prior to a finding of probable cause. The Commission voted to enter a final order finding no probable cause regarding

Ms. Henderson's 2016 disclosure and finding Ms. Henderson violated the disclosure laws by filing inaccurate 2017 and 2018 Form 6s. A civil penalty of \$750 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission also adopted a settlement agreement between the Commission Advocate and **CELSO ALFONSO**, a candidate for the Florida Senate. The agreement, filed prior to a finding of probable cause, finds Mr. Alfonso violated Florida's Constitution and disclosure laws by filing an inaccurate 2019 Form 6. The Commission recommended a civil penalty of \$250 be imposed by the Governor.

The Commission considered a settlement agreement entered into between the Commission Advocate and Wakulla County Commissioner, **RANDALL MERRITT**. Mr. Merritt agreed he violated the Florida Constitution and financial disclosure laws by filing an inaccurate 2019 Form 6. A civil penalty of \$1,000 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission voted to issue a final order rescinding a previous final order and adopting an Amended Joint Stipulation between the Commission Advocate and **OMARI HARDY**, former Lake Worth Beach City Commissioner and former State Representative. The Amended Joint Stipulation modified where the matter would be referred for penalty imposition. The terms of the penalty remain the same as adopted at the Commission's July 27, 2022 meeting, which were a civil penalty of \$1,000 and public censure and reprimand. The recommended penalty will be referred to the Governor for imposition.

The Commission granted the Advocate's Motion to Dismiss a complaint filed against Town Clerk, Administrator/Clerk to the Special Master, and Public Records Custodian for the Town of Yankeetown, **SHERRI MACDONALD**.

The Commission adopted a formal opinion concerning a hospital district. The opinion finds that a voting conflict would not be created if a board member participated in discussions or votes on matters related to electronic health records databases and indicates his employment does not create a conflicting contractual relationship.

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.