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## **PRESS RELEASE**

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TALLAHASSEE—September 14, 2016— Meeting in Tallahassee on September 9<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 30 complaints, Chairman Matthew F. Carlucci 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 found probable cause to believe that Miami-Dade Schools Superintendent ALBERTO CARVALHO violated the gift law in several different instances by accepting but failing to disclose tickets or admissions valued at more than \$100. Probable cause also was found to believe that he accepted neckties valued at more than \$100 and failed to report them as gifts. However, because Mr. Carvalho was forthcoming, accepted responsibility for the failure to report certain gifts and ultimately

reported those gifts on a Form 9, the Commission will take no further action on the allegations unless he requests an administrative hearing. Two other allegations concerning a failure to disclose tickets or event admissions given to him were dismissed with a finding of no probable cause.

The Commission found no probable cause to believe that GERALDINE MUOIO, Mayor of the City of West Palm Beach and Chair of the City's Community Redevelopment Agency, voted on a measure that would result in a special private gain to her or her daughter. No probable cause was found to believe that she misused her position to affect the development of a health and wellness campus. An allegation that Ms. Muoio had a conflicting contractual relationship with a hospital while it was regulated by or doing business with the City was dismissed with a finding of no probable cause.

No probable cause was found to believe that KEITH A. JAMES, West Palm Beach Commissioner and a member of the City's Community Redevelopment Agency, solicited or accepted campaign contributions based upon an understanding that his vote, official action, or judgment would be influenced. No probable cause also was found to believe that he accepted campaign contributions when he knew or should have known that they were given to influence a vote or other action in which he was expected to participate. The Commission found no probable cause to believe that Mr. James misused his position to affect the development of a health and wellness campus.

The Commission found no probable cause to believe that Lake Hamilton Police Chief LYLE JAGNISZAK violated ethics laws. There were seven allegations: that he accepted monetary gifts for several years from a local business owner and in exchange

for those gifts he investigated or harassed persons who complained about that business owner; that he accepted those monetary gifts when he knew or should have known that they were intended to influence his official actions; that he misused his position to accept gifts and investigate individuals for the benefit of the donor; that he inappropriately disclosed or used certain information that he had access to by virtue of his position as Police Chief for the benefit of another person or entity; that he solicited gifts from a lobbyist or vendor of his agency; that he accepted a gift valued at more than \$100 from someone other than a lobbyist or vendor and failed to report it; and that he accepted lottery tickets from a local business owner and failed to report them.

The Commission considered a complaint filed against Lake Park Town Commissioner KATHLEEN RAPOZA. They found no probable cause to believe that she misused her position to favor her husband's employer. The Commission also found no probable cause to believe that she solicited or accepted something of value with the understanding that it would influence her official action. No probable cause was found to believe that she accepted compensation, payment, or a thing of value when she knew or should have known that it was given to influence her vote or actions as a Commissioner. An allegation that she voted on measures that would inure to the special private gain or loss of her husband or her husband's employer was dismissed with a finding of no probable cause.

No probable cause was found to believe that Marco Island Chief of Police ALFRED SCHETTINO misused his position to direct officers to issue reports, citations, or Notices to Appear to a rental property tenant regarding a complaint filed by a City Councilmember who had alleged that the tenant had violated the City noise ordinance.

The Commission also found no probable cause to believe that he misused his position to alter or destroy police records related to the matter.

No probable cause was found to believe that LYNN GRUBER-WHITE, Hernando County Planning & Zoning Commission member, had a conflicting employment or contractual relationship by serving as President of the Ridge Manor Property Owners Association while simultaneously serving as a member of the Hernando County Planning and Zoning Commission. The Commission found no probable cause that she had a voting conflict when she voted on certain matters. No probable cause also was found on an allegation that she failed to disclose a voting conflict or file a voting conflict memorandum as required by law.

No probable cause was found to believe that MACK THETFORD, Chairman of a Bicycle Pedestrian Advisory Committee in the Milton area, misused his position to add a measure to a meeting agenda to have the Committee recommend to the Florida-Alabama Transportation Planning Organization to advocate that the Florida Department of Transportation consider an alternate southern route in its study concerning changes to Highway 90. No probable cause was found to believe that he voted on a matter before the Committee from which he would financially benefit. No probable cause also was found to believe that he participated in a matter that would inure to his special private gain or loss without first disclosing his interest.

The Commission found no probable cause to believe that Central Broward Water Control District Commissioner DOUGLAS R. BELL misused his District personnel and resources to benefit his law firm or his clients.

Probable cause was found to believe that Representative CARY PIGMAN, District 55, Florida House of Representatives, misused his position by linking his efforts to obtain legislative funding for the Okeechobee School District to retaliate or attempt to retaliate against an employee of a School District. However, the Commission rejected the recommendation of its Advocate and found no probable cause to believe that Representative Pigman solicited the Okeechobee County Superintendent of Schools to take an action against a School District employee based on the understanding that this action would influence his vote, official action, or judgment as a member of the Florida House of Representatives. An allegation that he misused his position to secure a job with the South Florida Water Management District for an individual connected to him in a personal capacity even though others were more qualified for the position was dismissed with a finding of no probable cause.

COLLEEN CONKLIN-WALSH serves as a member of the Flagler County School Board and failed to file her 2013 Form 6 disclosure as required by law. The Commission was required to initiate an investigation to determine if her failure to file was willful. The Commission found probable cause to believe that she willfully failed to file her disclosure form. However, the Commission will take no further action on the matter unless Ms. Conklin-Walsh requests a hearing. In two other self-initiated investigations to determine if a failure to file the required annual disclosure form was willful, probable cause was found to believe that FRANK SHEIL, member of the Dundee Board of Adjustment, and ANTWON McNEIL, Midway Planning & Zoning Board member, willfully failed to file their 2014 Form 1 disclosures.

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: MARGORIE ELAINE POE, Madeira Beach City Commissioner; LILA SELLERS, Bradford County Commissioner; WILL SEXTON, Bradford County Attorney; STEVE WHIDDEN, Hendry County Sheriff; MONIQUE I. MILLER, Candidate for the Florida House of Representatives; BARRY STEARNS, Broward County Fire Inspector & Plans Examiner; BRENNA DURDEN, Atlantic Beach City Attorney; PATRICK DEWAYNE MENCY, Candidate for St. Johns County Clerk of Courts; WILL C. SWANSON, Jacksonville Sheriff's Detective; HECTOR MARTINEZ, Ft. Lauderdale Police Sergeant; JOHN BOLLINGER, Ft. Lauderdale Police Captain; YVETTE MARTINEZ, Ft. Lauderdale Police Detective; KATHERINE FERNANDEZ RUNDLE, 11<sup>th</sup> Judicial Circuit State Attorney; ARTHUR CHRISTIAN MILLER, 7<sup>th</sup> Judicial Circuit Assistant State Attorney; RITCH WORKMAN, Member of the House of Representatives and Candidate for the Florida Senate; WILLIAM MEGGS, 2<sup>nd</sup> Judicial Circuit State Attorney; and DEBBIE MAYFIELD, Member of the Florida House of Representatives and Candidate for Florida Senate.

**PUBLIC SESSION**

The Commission voted in public session to forward fees petitions in five complaints

to the Division of Administrative Hearings for a hearing to determine if attorney fees and costs should be awarded from the complainants in the previously-dismissed complaints regarding the following Flagler County officials: NATE McLAUGHLIN, Commissioner; FRANK J. MEEKER, Commissioner; CHARLES ERICKSEN, Commissioner; ALBERT J. HADEED, County Attorney; and GEORGE HANNS, Commissioner.

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 V. on the September 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 that include removal from office or employment and fines up to \$10,000 per violation.