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State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

C. Christopher Anderson, III

Executive Director/

General Counsel

Kerrie J. Stillman

Deputy Executive Director

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

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CONTACT PERSON:

Chris Anderson or
Kerrie J. Stillman
850.488.7864

May be accessed online at www.ethics.state.fl.us

TALLAHASSEE—September 18, 2019—Meeting in Tallahassee on September 13th in closed session, the Florida Commission on Ethics took action on 22 matters, Chair Kim Rezanka announced today. A finding of probable cause is not a determination a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

Probable cause was found to believe Hallandale Beach City Commissioner **ANTHONY SANDERS** who also served as Director of the City's Community Redevelopment Agency (CRA), violated Florida's ethics laws by: having an employment relationship which created a recurring conflict or an impediment to his public duties as a City Commissioner; voting on measures he knew would bring special private gain or loss to his relatives; soliciting donations for his employer from two contractors who were

partners on City-funded development projects and soliciting one donation from an entity in exchange for voting in favor of city projects benefitting the donors; accepting donations when he knew or should have known they were given to influence his official actions; soliciting gifts from vendors or lobbyists of the City; accepting prohibited gifts valued at more than \$100 from vendors or lobbyists of the City; misusing his official position to benefit himself; and failing to report a gift(s) valued at more than \$100. However, the Commission voted to find no probable cause to believe he had a prohibited business relationship with the City, simultaneously served as an employer and employee of the City, and engaged in dual employment in violation of Florida's ethics laws.

In a complaint filed against **JESSICA VELEZ LOPEZ**, the Director of Undergraduate Admissions at Florida Atlantic University (FAU), the Commission found no probable cause to believe she had a prohibited business relationship or procured contractual services for FAU from her husband's business. No probable cause also was found on allegations she misused her position regarding a contract between FAU and her husband's business and used inside information not available to the public, to benefit the business.

Probable cause was found to believe former write-in Candidate for the 34th District of the Florida Senate **RICHARD HAL STURM** violated financial disclosure laws by failing to accurately report amounts on his 2017 Form 6 which resulted in an inaccurate net worth reflected on the form when he qualified to run for office. However, due to the particular circumstances of the matter, especially Mr. Sturm's illness, the Commission voted to take no further action unless he requests an evidentiary hearing.

The Commission found no probable cause to believe **GERALD D. (JERRY) HOLLAND**, Duval County Property Appraiser misused his position or official resources to benefit his reelection campaign.

In a related complaint, no probable cause was found to believe **SANDRA ANDERSON**, Community Relations Manager for the Duval County Property Appraiser, misused her position or official resources to benefit the Property Appraiser's reelection campaign.

In a complaint filed against Cedar Hammock Fire Control District Fire Chief **JEFFREY S. HOYLE**, the Commission found no probable cause to believe he misused his position to seek to influence subordinate employees in the election of a District board member.

The Commission considered the results of an investigation – required by statute – based on the findings of a random audit of **GREENBERG TRAURIG, P.A.**, an Executive Branch Lobbying Firm. Rejecting the recommendation of the Advocate, the Commission found no probable cause to believe the lobbying firm filed an inaccurate compensation report for all four quarters of 2017. They adopted the Advocate's recommendation that there was no probable cause to believe the firm duplicated reference to a principal on its 2017 first quarter report.

The Commission considered the results of an investigation – required by statute – based on the findings of a random audit of **IMPACT GR**, an Executive Branch Lobbying Firm. Probable cause was found to believe the lobbying firm failed to report compensation received from Flagler College and Modern Health Concepts on its 2017 first quarter compensation report.

In another investigation – required by statute – based on the findings of a random audit of **MICHAEL BASCOM CONSULTING**, an Executive Branch Lobbying Firm, no probable cause was found to believe the lobbying firm erroneously reported receipt of \$2,000 in compensation from Alico, Inc. on its amended first quarter compensation report for 2017.

The Commission dismissed a complaint filed against **KATHY S. NELSON**, former Lead Customer Service Representative for the Okaloosa County Water and Sewer Department, finding the public interest would not be served by further proceedings because she already was held to account for the allegations in a court of law.

The Commission also dismissed a complaint filed against Mascotte Police Department Corporal **RAFAEL BETANCOURT**, finding the public interest would not be served by proceeding further because the allegations made in the complaint are subject to scrutiny and remedy by the courts or other entities.

The Commission reviewed 11 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: **LORRIANE KOSS**, Council Member, Cocoa; **JANE CASTOR**, Mayor, Tampa; **GEORGE LINDSEY, III**, County Commission Chair, Polk County; **R.J. LARIZZA**, State Attorney, 7th Judicial Circuit; **DANIEL McMILLAN**, City Commissioner, Quincy; **DENNIS LEMMA**, Sheriff, Seminole County; **VAL E. WINTER**, Assistant State

Attorney, 16th Judicial Circuit; **CARLOS A. REY**, Public Records Custodian, Department of State; **LINDA DOGGETT**, Clerk of Court & Comptroller, Lee County; **KRISTINA SAMUELS**, Clerk of Court, First District Court of Appeal; and **RICHARD RAMSAY**, Sheriff, Monroe County.

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The Commission adopted the Joint Stipulation between the Commission Advocate and former 4th Circuit Public Defender **MATT SHIRK**. Mr. Shirk agreed he violated Florida's ethics laws by misusing his position to hire three women contrary to procedure, policy, and qualifications and engaging in workplace or work-related interactions with them of personal interest to himself and unrelated or marginally related to the function of the office, then firing them or having them fired for his personal benefit. He also misused his position to serve or consume alcoholic beverages in a City building, contrary to City code provisions. Mr. Shirk also revealed information during an interview about a client to a documentary crew interested in his client's case. The information relating to the representation of a client was obtained because of his position of Public Defender. A civil penalty of \$6,000 and public censure and reprimand will be recommended for imposition by the Governor.

Also adopted was a Joint Stipulation between former Nassau County School District employee **CATHERINE DREW** and the Commission Advocate. In the agreement, Ms. Drew agrees she had a prohibited business relationship and a conflicting employment or contractual relationship because of her simultaneous employment with the School District while contracting in her private capacity and

engaging in a business relationship with the District. A civil penalty of \$2,000 was recommended for imposition by the Governor.

The Commission adopted a Joint Stipulation filed prior to consideration of probable cause, between the Commission Advocate and **ADAM POLLACK**, former Candidate for Circuit Court Judge, 18th Circuit. The Commission found Mr. Pollack violated Florida's financial disclosure laws by failing to properly complete his 2017 Form 6 disclosure when he qualified for office. A civil penalty of \$250 was recommended for imposition by the Governor.

In another stipulation, **ROBERT M. LANGE**, Finance Director of Ft. Myers Beach, agreed to a finding of a violation that he failed to file Form 1 disclosure within 30 days of his appointment to the position. The Commission recommended a civil penalty of \$750 to the Governor for the violation.

Former Levy County School Board Director of Transportation **BRUCE GREENLEE** also entered into a stipulation with the Commission Advocate, agreeing to a civil penalty of \$4,000 and public censure and reprimand for misusing his position to make inappropriate advances toward a member of his staff. Imposition of the penalties rests within the authority of the Governor.

The Commission adopted an advisory opinion regarding a Police Chief serving as an uncompensated director of a nonprofit engaging in fundraising activities for the organization, where donations are used to make charitable contributions to local families, individuals, and other community organizations. The opinion addresses his service and fundraising in light of Florida's gift laws and the applicability of the conflicting employment and contractual relationships prohibition.

Another opinion adopted by the Commission addressed the conflicting employment statute as it applies to City housing division employees who wish to participate in the City's Community Redevelopment Agency Purchase Assistance Program.

The Commission adopted an opinion regarding the applicability of the financial disclosure law to an attorney who routinely provides legal services to a town. The opinion reflects that a private attorney who routinely contracts to provide legal services to a town and renders more legal services to the town than any other attorney is, under the specific situation presented, a local officer required to file financial disclosure, despite no ongoing contractual obligation to serve as the town attorney.

The Commission also adopted an opinion that neither a voting conflict nor conflicting employment exist for a City Commissioner who is employed by a federal government entity where his supervisor also is an applicant for the City Manager position.

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. (Item VI. on the September 13th 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.