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TALLAHASSEE—October 30, 2019—Meeting in Tallahassee on October 25th in closed session, the Florida Commission on Ethics took action on 23 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.

The Commission found no probable cause to believe **MARY FISCHER**, a Lee County School Board Member, misused school board resources for her reelection campaign.

Probable cause was found to believe **JEFFREY MARC SISKIND**, Former Candidate for Attorney General, filed an inaccurate 2017 Form 6 when he qualified for office.

No probable cause was found on seven allegations filed in a complaint against West Palm Beach City Commissioner **KEITH A. JAMES**, who also served as a board member of the City's Community Redevelopment Agency. The dismissed allegations were: he solicited or accepted a thing of value in exchange for his official action by living in a home owned by a registered lobbyist of the City and he accepted the living situation when he knew or should have known it was given to influence his official action; he misused his position to live in the home of the lobbyist; he had a conflicting contractual relationship because of the rental agreement; he solicited a prohibited gift from a lobbyist or vendor of the City; he accepted a prohibited gift from a vendor or lobbyist of the City; or he failed to report a gift received from a registered lobbyist of the City.

No probable cause was found to believe Panama City Beach City Council Member **HECTOR SOLIS** misused his position to request the City's building official perform and approve inspections on his personal rental property despite the official's determination the rental property was an unsafe structure. The Commission also found no probable cause to believe Mr. Solis misused his position to insist the City acquire an inspection warrant to perform an inspection on the property of his neighbor and business competitor.

The Commission also considered a complaint filed against **MARIO GISBERT**, the Panama City Beach City Manager. No probable cause was found to believe he misused his position to pressure a building official to scrutinize Mr. Solis' neighbor and business competitor. No probable cause also was found to believe he misused his position to instruct a building official to write an inspection letter of approval for the Solis rental property after the official deemed the property unsafe. The Commission also found no probable cause to believe Mr. Gisbert misused his position to force the

building and planning director to write an inspection letter of approval for the rental property even though the official was unqualified to do so.

In a complaint filed against **JOHN A. MIKLOS**, Former Chair of the St. Johns River Water Management District's governing board, the Commission found probable cause to believe he failed to designate his manner of calculating his interests on his 2013 through 2017 Form 1 disclosures; however, the Commission will take no further action on the allegations unless Mr. Miklos requests a hearing. The Commission found no probable cause on three other allegations: he violated the voting conflict law by failing to fully and accurately disclose the nature of his voting conflicts on his Form 8B and temporarily being absent from meetings during votes on conflicting matters; he had a continuing or frequently recurring conflict between his private interests and the proper performance of his public duties; and he participated in matters without first disclosing he had a voting conflict.

A complaint filed against St. Augustine City Manager **JOHN P. REGAN** was considered by the Commission. No probable cause was found to believe he misused his position to benefit his daughter or her employer or that he misused his position to benefit himself and a city commissioner. No probable cause was found to believe he used or disclosed inside information for personal gain. The Commission also dismissed an allegation regarding a prohibited business relationship with a finding of no probable cause.

LEANNA FREEMAN, the Vice Mayor and a City Commissioner for the City of St. Augustine also came before the Commission for a probable cause hearing. No probable cause was found to believe she misused her position to benefit herself and the City Manager. An allegation she had a voting conflict on a measure that would inure to her

special private gain or loss or to that of the City Manager also was dismissed with a finding of no probable cause.

A complaint filed against **MICHAEL CULLUM**, the Executive Director of Public Works for the City of St. Augustine, was dismissed with a finding of no probable cause. The allegation was he misused his position to misrepresent information related to a property, to benefit a City Commissioner or the City Manager.

No probable cause was found to believe Okeechobee County Commissioner **BRYANT CULPEPPER** misused his position to threaten and force the resignation of a member of the County planning board for the benefit of a zoning applicant.

In a complaint filed against Palmetto Bay Council Member **MARSHA MATSON**, the Commission found no probable cause to believe she misused Village resources to create and post a video to the Village website that was beneficial to her re-election campaign.

The Commission found no probable cause to believe Oviedo Mayor **DOMINIC PERSAMPIERE** misused keychains bearing the City seal or logo and purchased with public funds, to promote his private real estate business.

The Commission considered the results of an investigation – required by statute – based on the findings of a random audit of **ANNA H. UPTON, P.L.**, an Executive Branch Lobbying Firm. No probable cause was found to believe the lobbying firm failed to correctly register to lobby the Executive Branch on behalf of The Everglades Foundation, Inc. The Commission also found no probable cause to believe the firm failed to file a 2017 first quarter compensation report.

The Commission considered the results of another investigation – required by statute – based on the findings of a random audit of **CLARK PARTINGTON HART**

LARRY BOND & STACKHOUSE, an Executive Branch Lobbying Firm. No probable cause was found to believe the lobbying firm overstated compensation on its 2017 second quarter compensation report.

The Commission reviewed 9 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: **MARY FRANCES ERNST**, Assistant State Attorney, 11th Judicial Circuit; **JUSTIN REEP**, Assistant State Attorney, 6th Judicial Circuit; **WILLIAM W. WILHELM**, Bar Counsel, The Florida Bar; **STEPHEN B. RUSSELL**, Former State Attorney, 20th Judicial Circuit; **MELODIE ANGERER**, Investigator Specialist II, Florida Department of Health; **BIJU VARGHESE**, Nurse, Seminole County Jail; **ELIZABETH VAUGHN**, School Board Member, Lee County; **FLORENCE DEBY WEINSTEIN**, City Commissioner, Madeira Beach; and **RON DESANTIS**, Governor, State of Florida.

PUBLIC SESSION

The Commission heard a matter regarding **DENNIS McDONALD**, Former Candidate for the Flagler County Commission and Florida Senate. The Commission, pursuant to proceedings and orders of an Administrative Law Judge, found Mr. McDonald violated Florida's financial disclosure laws by filing inaccurate 2011 and 2013 Form 6 disclosures. A civil penalty of \$4,000 and public censure and reprimand will be recommended to the Governor for imposition.

A Petition for Attorney's Fees and Costs filed by **LINETTE MATHENY**, St. Cloud City Council Member and an Assistant County Engineer for Osceola County, against her former complainant, Donald Shroyer, was dismissed for failing to state a claim for fees and costs as required by law.

The Commission adopted an advisory opinion regarding the application of Florida's gift laws to various scenarios involving tickets to events and VIP access given by non-profit and for-profit entities to city officials and other reporting individuals.

Five opinions adopted by the Commission addressed potential conflicts of interest regarding members of the Jacksonville Opioid Abuse Prevention Committee who are employed by private entities contracting with the City. The opinions note the application of an exemption in the statute creates a situation that is not conflicting under the law.

The Commission also adopted an opinion relating to the application of a provision of Amendment 12, passed by the voters in November 2018. The opinion provides advice to members of the board of supervisors of a community development district as to whether they will or will not abuse their public position when engaging in certain conduct.

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 VII. on the October 25th 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.