

## EXECUTIVE DIRECTOR'S REPORT

**TO:** Members, Commission on Ethics

**FROM:** Kerrie Stillman  
Executive Director

**DATE:** April 5, 2023

---

### ADVISORY OPINIONS

The Commission on Ethics issued two advisory opinions at its March meeting. It has rendered 2,696 opinions since its inception in 1974.

### LITIGATION

Case Number 1D22-924, Daphne Campbell v. Florida Commission on Ethics. This is an appeal of Complaint No. 18-090. Appellant filed her Reply Brief on December 22, 2022. On January 3, 2023, the Commission filed a Motion to Strike the Reply Brief on the basis that it raised entirely new arguments not addressed in the Initial Brief. In the alternative, the Commission asked that it be given leave to file a limited response to the arguments raised in the Reply Brief. On January 20, 2023, the Court issued an order deferring a ruling on the motion to the panel of judges considering the merits of the appeal. Neither party requested oral argument, so we await the Court's ruling on the merits. Gray Schafer, Melody Hadley, and Steven Zuilkowski are handling the appeal.

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This is an appeal of Complaint No. 17-082. The Appellant filed the Initial Brief. The Commission filed the Answer Brief on March 24, 2023. The Reply Brief is due on April 24, 2023. Joe Burns, Melody Hadley, and Steven Zuilkowski are handling the appeal.

Case Number 1D22-3429, Douglas Underhill v. State of Florida, Commission on Ethics. This is an appeal of Complaint Nos. 20-060, 20-073, and 20-103 (cons.). The Appellant's Initial Brief was filed on March 10, 2023. The Commission's Answer Brief is due on April 25, 2023. Elizabeth Miller, Gray Schafer, and Steven Zuilkowski are handling the appeal.

Case 1:22-cv-24156, Garcia et al. v. Stillman et al. (United States District Court Southern District of Florida). Plaintiffs are local public officers. They are challenging the validity of the prohibitions of Article II, Section 8(f)(1)-(3), Florida Constitution. The judge has not yet ruled on the Defendants' motion to dismiss. The judge has granted Plaintiffs' request for a preliminary injunction of the enforcement of the "in-office lobbying restrictions" as to all state and local public officers, not just the Plaintiffs. The Defendants have filed a motion to stay the preliminary injunction as to all public officers aside from the Plaintiffs. The Solicitor General's Office is representing the Defendants on the motion to stay the preliminary injunction and any potential appeal to the 11th Circuit Court of Appeal that may follow.

Karen Brodeen of the Office of the Attorney General is lead counsel for the Defendants for now, but she is pursuing another career opportunity in another department of the Office of the Attorney General that begins on May 1, 2023. Ms. Brodeen will need to file a notice of her withdrawal with the court in due time. Another attorney from the Office of the

Attorney General will take over as lead counsel, though it is still undecided who that will be (as of 4/4/23). Steven Zuilkowski is monitoring on behalf of the Commission.

Case Number 1D22-3596, James Ballard v. State of Florida Commission on Ethics. Appellant is an inmate of the Alachua County Jail. Appellant filed numerous ethics complaints with the Commission against various individuals, but the Commission rejected those complaints for failure to comply with Rule 34-5.001, F.A.C. The Supreme Court of Florida transferred the matter to the Circuit Court of the Second Judicial Circuit, in and for Leon County. The Second Judicial Circuit dismissed the matter with prejudice on October 3, 2022. On October 28, the Second Judicial Circuit ordered the Clerk to close the case. On November 7, 2022, Ballard filed a Notice of Appeal of the Second Judicial Circuit's Order Striking Motions and Quashing Service in the First District Court of Appeal and filed an Amended Notice of Appeal on December 27, 2022. On January 31, 2023, in James Ballard v. State of Florida, Case Number 1D22-3995, (the Commission is not a party to this case), the First District Court of Appeal barred the Appellant from all future pro se filings at that Court, due to his "apparent abuse of the legal process by the repetitious and frivolous pro se filings challenging both his pending criminal charges and bringing frivolous cases regarding various civil proceedings." The Court also directed the Appellant to secure counsel to represent him in all pending cases within 30 days of the order (i.e., by March 2, 2023). The order further stated that any pending cases in which the Appellant failed to have counsel file a Notice of Appearance would be subject to dismissal. No Notice of Appearance was filed in the instant case (the Appellant's case against the Commission); nor was an Initial Brief filed. The Court dismissed this case on March 14, 2023. Kathy Heyward and Steven Zuilkowski were handling this matter.

## **FINANCES**

As of February 28, we've spent \$1,648,477.44 (59.68%) of our appropriation, with 66.67% of the FY gone.

## **PUBLIC SPEAKING ENGAGEMENTS**

In Tallahassee, on March 24, Kerrie provided an overview of the Commission and the Code of Ethics to the Leadership Class of the Florida Public Relations Association. The group consisted of private and public sector public relations professionals.

## **PENDING ORDERS IMPOSING PENALTIES**

### **GOVERNOR**

Complaint No. 15-178, In re Michael S. Murphy (Final Order 08/03/16)

Complaint No. 17-108, In re Joel Davis (Final Order 06/13/18)

Complaint No. 17-088, In re Cheryl Thomas-Hughes (Final Order 12/12/18)

Complaint No. 16-062, In re Dennis McDonald (Final Order 10/30/19)

Complaint No. 18-211, In re Thomas L. Clyce (Final Order 02/10/21)

Complaint No. 19-154, In re Doug Belden (Final Order 03/10/21)

Complaint No. 18-168, In re Dustin Daniels (Final Order 04/21/21)

Complaint No. 18-047, In re Brian Burkeen (Final Order 04/21/21)

Complaint No. 19-158, In re Thomas R. Hardee [Referral] (Final Order 04/21/21)  
Complaint No. 20-124, In re Francis David Bourrie (Final Order 06/09/21)  
Complaint No. 19-192, In re Marilyn D. Sconions (07/28/21)  
Complaint No. 20-054, In re Milissa Holland (Final Order 09/15/21)  
Complaint No. 16-130, In re Frantz Pierre (Final Order 09/15/21)  
Complaint No. 20-125, In re Muhammad Amin (Final Order 10-27-21)  
Complaint No. 20-225, In re Alexis P. Rodriguez (Final Order 10-27-21)  
Complaint No. 21-077, In re Reginald Sessions (Final Order 10-27-21)  
Complaint No. 20-170, In re Betsy Vanderley (Final Order 12-8-21)  
Complaint No. 18-141, In re Andreana Jackson (Final Order 1-26-22)  
Complaint No. 18-020, In re Joseph Kilsheimer (Final Order 1-26-22)  
Complaint No. 20-144, In re Gabriel Garcia (Final Order 3-9-22)  
Complaint No. 21-093, In re Dale V.C. Holness (3-9-22)  
Complaint No. 21-162, In re Cynthia Stuart (3-9-22)  
Complaint No. 21-113, In re Dennis Ward (4-27-22)  
Complaint No. 20-186, In re R.C. "Rick" Lussy (Final Order 6/8/2022)  
Complaint No. 17-082, In re Carlos Beruff (Final Order 7/27/2022) \*on appeal  
Complaint No. 18-044, In re Dorothy Miles (Final Order 7/27/2022)  
Complaint No. 20-100, In re David N. Tolces (Final Order 7/27/2022)  
Complaint No. 20-120, In re Randall Merritt (Final 9/9/2022)  
Complaint No. 20-165, 20-184 (cons), In re Omari Hardy (Final Order 9/9/2022)  
Complaint No. 22-006, In re MaryBeth Henderson (Final Order 9/9/2022)  
Complaint No. 22-009, In re Celso Alfonso (Final Order 9/9/2022)  
Complaint No. 20-060,  
20-073, 20-103(Cons.), In re Douglas Underhill (Final Order 10/26/2022) \*on appeal  
Complaint No. 20-116, In re Chandler Williamson (Final Order 10/26/2022)  
Complaint No. 21-204, In re Rodney J. Braden (Final Order 10/26/2022)  
Complaint No. 21-236, In re Richard Nelson (Final Order 10/26/2022)  
Complaint No. 22-060, In re Robin Hatcher (Final Order 10/26/2022)  
Complaint No. 21-052, 21-057, 21-060, & 21-064 (Cons), In re Vanessa Baugh (2/1/2023)  
Complaint No. 17-065, 17-069, 19-087(cons.), In re Keith Doherty (Final Order 03-15-23)

#### HOUSE

Complaint No. 18-026, In re Kim Daniels (Final Order 1/30/2019)  
Complaint No. 20-206, In re Jackie Toledo (Final Order 10/27/2021)  
Complaint No. 20-211, In re Tracie Davis (Final Order 10/27/2021)  
Complaint No. 21-159, In re Tracie Davis (Final Order 6/8/2022)

#### SENATE

Complaint No. 18-090, In re Daphne Campbell (Final Order 3/9/2022) \*on appeal

#### **PENDING ACTION ON STATUTORILY-GENERATED LOBBYING FIRM AUDIT MATTERS (GOVERNOR AND CABINET)**

Complaint No. 16-017, In re Dean Mead (Probable Cause 01/27/17)  
Complaint No. 16-018, In re Buigas and Associates (Probable Cause 01/27/17)

Complaint No. 16-019, In re DDarling Consulting (Probable Cause 01/27/17).  
Complaint No. 16-174, In re Kathy Till and Associates, Inc., (Probable Cause 08/02/17)  
Complaint No. 16-170, In re Capitol Group, Inc., (Probable Cause 10/25/17)  
Complaint No. 16-173, In re Johnson Strategies, LLC (Probable Cause 12/13/17)  
Complaint No. 16-175, In re Sayfie Law Firm (Probable Cause 10/25/17)  
Complaint No. 17-132, In re Andrew J. Liles (Probable Cause 08/01/18)  
Complaint No. 17-134, In re Lester Abberger (Probable Cause 08/01/18)  
Complaint No. 17-135, In re Pruitt and Associates (Probable Cause 08/01/18)  
Complaint No. 17-136, In re Wilson and Associates, LLC (Probable Cause 08/01/18)  
Complaint No. 17-137, In re TC Wolfe (Probable Cause 08/01/18)  
Complaint No. 19-031, In re Impact GR (Probable Cause 09/18/19)  
Complaint No. 20-055, In re All Florida Solutions, Inc. (Probable Cause 03/10/21)  
Complaint No. 20-056, In re Carr Allison (Probable Cause 03/10/21)  
Complaint No. 20-058, In re Pyle and Associates (Probable Cause 03/10/21)  
Complaint No. 21-127, In re Diana Hadi Padgett (Probable Cause 12/3/21)  
Complaint No. 21-128, In re CJT Strategies, LLC (Probable Cause 12/3/21)  
Complaint No. 22-074, In re Capitol Strategy Group (12/2/22)  
Complaint No. 22-075, In re Buchanan, Ingersoll, and Rooney (12/2/22)