Florida Commission on Ethics

P. O. Drawer 15709, Tallahassee, Florida 32317-5709
"A Public Office is a Public Trust"

FLORIDA
COMMISSION ON ETHICS
SEP 01 2023
RECEIVED
ORIGINAL

COMPLAINT
23-200

1. PERSON BRINGING COMPLAINT:

Name: Romi White Telephone Number: 850-503-6242
Address: P.O. Box 6406
City: Navarre County: Santa Rosa State: FL Zip Code: 32566

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: Michael Cusack Telephone Number: 850-206-4612
Address: 6768 Berryhill St
City: Milton County: Santa Rosa Zip Code: 32570
Title of office or position held or sought: Milton City Councilman

3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

SIGNATURE OF COMPLAINANT

STATE OF Florida
COUNTY OF Santa Rosa

Sworn to (or affirmed) and subscribed before me by means of ☑ physical presence or ☐ online notarization, this 30 day of August, 20 23, by Romi C White.
(name of person making statement)

(Signature of Notary Public)

Susan C Boykin
(Print, Type, or Stamp Commissioned Name of Notary Public)

SUSAN C. BOYKIN
MY COMMISSION # HH 23247
EXPIRES: August 5, 2024

Personally Known ✓ OR Produced Identification ___
Type of Identification Produced: ___

On Tuesday, July 11, 2023, the City Council in Milton, Florida voted to enter negotiations with Scott Collins to become their next city manager.

The city's lawyer, Alex Andrade, was supposed to negotiate the contract with Collins before bringing it to the City Council for approval.

City Councilman, Mike Cusack, asked to be appointed to collaborate with Andrade on the contract he was negotiating.

Cusack knew he could not negotiate on his own and did not have the power to negotiate contracts for the City. On July 6, 2023, the city's clerk, Dawn Molinero, emailed the entire City Council and told them "all contractual discussion will happen between City Attorney and Mr. Collins…"

At 5:16 PM on Wednesday, July 12, Andrade sent Cusack a draft contract for Cusack's review. Andrade told Cusack the salary amount in the draft was a "placeholder," and said that's what he believed Collins would be making if he still worked for his last employer. The salary in the draft was $128,000. Andrade has said that he never shared that number with anybody but Cusack.

At 8:21 PM on Wednesday, July 12, Cusack secretly texted Collins and told him "Just in case, ignore a salary lowball if he [Andrade] puts it out there. It's not his decision. It is the council and I am the guy with this responsibility."

At 6:05 PM on Thursday, July 13, Cusack secretly called Collins and told him "Andrade wants to offer you $128,000, but I control this process and I'll make sure you get a salary of $135,000."[1]

At 7:56 PM on Thursday, July 13, Cusack emailed Andrade and told Andrade to offer Collins a salary of $128,000.

Collins retracted his application to be Milton's city manager on July 15, and said in interviews that the confusion Cusack caused was the main reason for his decision. [2]

Over the course of the next 3 meetings of the Milton City Council, Cusack denied negotiating or discussing contract terms with Collins and Cusack still denies calling Collins or texting Collins first.

It was not until Cusack produced his phone call logs and text message logs to the city that anyone found out that Cusack had called and texted Collins multiple times. Cusack had 14 text messages with Collins between July 12 and July 14, but Cusack refuses to fully respond to public records requests for those text messages. (Cusack retyped what he says are 9 of the 14 texts, but has never

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[1] https://www.newsradio923.com/pmn/episode/2784464b/072123-milton-city-manager-explanation

[2] https://www.pnj.com/story/news/local/2023/07/20/city-manager-candidate-scott-collins-explains-why-he-rejected-milton/70433403007/

Collins did interviews with two local journalists. In his interview with NewsRadio 92.23, Collins was quoted as saying that Cusack told him he had the power to negotiate for the city and shared information about what Andrade wanted to offer him vs. what Cusack would make sure the contract had in it.

shared any texts in a format that anyone can verify). Cusack stated to the city clerk that if anyone wants the rest of the text messages between him and Collins, they need to "get a court order."

Cusack violated **Florida Statutes 112.313(8)** and **839.26** by using information from the city attorney that he was sent based solely on his position as a Councilman to inflate Scott Collins's salary.

Cusack violated Art. II, Section 8(c) by breaching the public trust and negotiating against the City of Milton for Scott Collins's private gain.

Cusack knew he was negotiating against the interests of the city when he interfered with the unanimous vote of the City Council to hire Scott Collins.

Because he interfered in the process and hid what he was doing from everybody, the city now has to hire a search firm to find a new city manager.

Alex Andrade
City Attorney – 954-816-3395
350 W Cedar Street, Suite 100
Pensacola, FL 32503

Scott Collins
City Manager Candidate – 205-210-1915
15275 Sandy Creek Drive
Cottondale, AL 35453

From: Dawn Molinero <dmolinero@miltonfl.org>
Sent: Thursday, July 6, 2023 9:33 AM
To: .Councilman Group <councilman@miltonfl.org>
Cc: Randy Jorgenson <rjorgenson@miltonfl.org>; Buz Eddy <buzeddygb@gmail.com>; Alex Andrade <aandrade@mhw-law.com>
Subject: Procedures for Interview with Mr. Scott Collins

Good Morning Mayor & Council,

I have been asked to convey to you the suggested process for Tuesday evening. The interview with Mr. Scott Collins will be held at the end of the City Council Meeting so all business can be conducted first. Each councilmember will have 5 minutes to ask non-contractual questions of Mr. Collins; all contractual discussion will happen between City Attorney and Mr. Collins in a private setting if he is offered the position. The interview will be open to the public and streamed as part of the regular meeting. If you have any questions or concerns, please let me know. Thank you kindly and have a blessed day.

<image001.png>

Under Florida's public records laws, the City of Milton's emails may be considered public record and subject to inspection or disclosure to the public. If you do not wish to have your emails possibly disclosed to the public, please do not communicate with the City of Milton through email.

From: Alex Andrade
Sent: Wednesday, July 12, 2023 5:16 PM
To: Mike Cusack
Subject: FW: Contract Discussion
Attachments: Collins City Manager Contract.docx

Councilman Cusack,

Mr. Collins asked to reschedule our planned call for tomorrow morning.

Below are the questions I just sent him for he and I to go over tomorrow. Once I have an understanding of his perspective, I will adjust the details that are found in the draft contract I have attached. As I mentioned previously, I am not sending him this draft until it is finalized and you and I have discussed it.

His starting salary in 2016 was $91,000 without a moving stipend. Assuming an approximate 5% adjustment each year, his salary likely ended around $126,000. I've included $128,000 as a placeholder for now, but believe it is likely what his anticipated salary would have been had he remained as the manager in Fairview. Once I know the answers to some of these questions, I'll share my thoughts with you before finalizing a proposed contract.

R. Alex Andrade
Moore, Hill & Westmoreland, P.A.
350 West Cedar Street, Suite 100
Pensacola, Florida 32502
Phone: (850) 434-3541
Fax: (850) 435-7899
www.mhw-law.com

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From: Alex Andrade
Sent: Wednesday, July 12, 2023 5:03 PM
To: Scott Collins <scollins1007@gmail.com>
Subject: Contract Discussion

Scott,

In working through the negotiation process, below are the questions I have for you to help come up with a fair proposal:

1. City Vehicle – currently a City vehicle is made available for the City Manager's use. It is kept at City Hall and is not used for travel to and from his residence. The City's Manager, prior to Mr. Jorgenson, maintained the use of a vehicle that included travel to and from his residence. Do you anticipate needing a vehicle that will be used for travel to and from your residence?

(No Subject)

From: Mike Cusack (mikec@onesrc.com)

To: mikecusack09@aol.com

Date: Tuesday, July 25, 2023 at 11:37 AM GMT-6 ME TO SCOTT COUNS 8:21PM 7/12

Scott
Even if I am not on the call tomorrow between me and you and the fence post,
I would talk with Andrate . If you don't he will report you were being uncooperative. Just in case, ignore a salary lowball if he puts it out there. It's not his decision . It is the council and I am the guy with this responsibility. Don't let the process get to you, a good place to be and a bright future is forthcoming.
Mike

Sent from my T-Mobile Device
Get Outlook for Android

Usage for: 8502064612

LOCAL AIRTIME LONG DISTANCE and INTERNATIONAL CHARGES

Total use: 1082 minutes

Date (Pacific)	Number	Destination	Minutes	Type	
7/15/2023 18:03	(205) 210-1915	TUSCALOOSA, AL	2 Min	--	vm
7/13/2023 18:05	(205) 210-1915	INCOMING	44 Min	--	only conve
7/13/2023 16:35	(205) 210-1915	TUSCALOOSA, AL	1 Min	--	vm
				--	

The date and time for call usage corresponds with the time zone you are in when beginning a call.

From: Mike Cusack <mcusack@miltonfl.org>
Sent: Thursday, July 13, 2023 7:57 PM
To: Alex Andrade
Subject: Re: Collins City Manager Contract

Mr Andrade

Let's move forward on your contract at $128,000 with up to a $5000 relocation

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get Outlook for Android

From: Alex Andrade <aandrade@mhw-law.com>
Sent: Thursday, July 13, 2023 11:23:20 AM
To: Mike Cusack <mcusack@miltonfl.org>
Subject: RE: Collins City Manager Contract

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

It was not time sensitive. Review at your leisure.

R. Alex Andrade
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From: Mike Cusack <mcusack@miltonfl.org>
Sent: Thursday, July 13, 2023 11:22 AM
To: Alex Andrade <aandrade@mhw-law.com>
Subject: Re: Collins City Manager Contract

Again I am still dealing with an issue and will respond as soon as I am able.

Sent via the Samsung Galaxy S10e, an AT&T 5G Evolution capable smartphone
Get Outlook for Android

From: Alex Andrade <aandrade@mhw-law.com>
Sent: Thursday, July 13, 2023 11:10:33 AM
To: Mike Cusack <mcusack@miltonfl.org>
Subject: Collins City Manager Contract

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Councilman Cusack,

Attached is the most recent draft of the proposed city manager contract. It includes a salary proposal of $130,000 and under "Transportation," I've included the availability of up to $5,000 for reimbursement of any relocation expenses actually incurred by Mr. Collins.

R. Alex Andrade
Moore, Hill & Westmoreland, P.A.
350 West Cedar Street, Suite 100
Pensacola, Florida 32502
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