

EXECUTIVE DIRECTOR'S REPORT

TO: Members, Commission on Ethics

FROM: Kerrie Stillman
Executive Director

DATE: April 10, 2025

ADVISORY OPINIONS

The Commission on Ethics issued one opinion at its March meeting. It has rendered 2,710 opinions since its inception in 1974.

LITIGATION

Case Nos. 1D2025-0690 and 1D2025-0691, Jerson Immer Velazquez v. State of Florida Commission on Ethics (Fla. 1st DCA). Appellant filed four complaints with the Commission on Ethics that, in accordance with Rule 34-5.001(2), F.A.C., were returned to him in on the basis that the allegations contained within the complaints did not fall within the jurisdiction of the Commission. In Case No. 1D2025-0690, Appellant is seeking judicial review of final agency action. On March 28, 2025, the First District Court of Appeal ordered Appellant to pay the filing fee required by Section 35.22, Florida Statutes, and provided a 30-day deadline for him to do so. We now await confirmation that Appellant has or has not paid the filing fee within the specified timeframe. On April 1, 2025, the First District Court of Appeal ordered Appellant to show cause why the appeal should not be dismissed because it appears the notice of appeal was not timely filed. Appellant has filed a response to this Order to Show Cause, and we are awaiting a ruling from the Court in response to this. In Case No. 1D2025-0691, Appellant has filed a Petition for Writ of Certiorari seeking review of final agency action. On March 28, 2025, the First District Court of Appeal ordered Appellant to pay the filing fee required by Section 35.22, Florida Statutes, and provided a 30-day deadline for him to do so. We now await confirmation that Appellant has or has not paid the filing fee within the specified timeframe. Amelia Naomi and Steven Zuilkowski have filed an appearance.

Case Number 2024 CA 000283, Town of Briny Breezes, Florida et al. v. Lukis et al. (Fla. 2nd Circ. Ct., Leon County). (Jamie A. Cole, Edward G. Guedes, Counsel for Plaintiffs; Kimberly Romano Kopp, Co-Counsel for City of Destin). Plaintiffs are multiple municipalities and elected municipal officers. They are challenging the validity of the requirement in Section 112.3144, Florida Statutes, that municipal elected officials and mayors (and candidates for such offices) must file a CE Form 6 financial disclosure. In essence, Plaintiffs' argument is that requiring municipal elected officials and municipal candidates to publicly disclose the information required on the CE Form 6 violates their right to privacy under Article II, Section 23 of the Florida Constitution. Plaintiffs claim there is no compelling state interest that would justify having these types of officers and candidates disclose that degree of the information, and, even if there was a compelling interest, requiring these officers and candidates to file a CE Form 6 is not the least restrictive means of accomplishing that interest when the CE Form 1 is also available. Plaintiffs seek a declaration that extending the requirements in Section 112.3144 to municipal elected officials and municipal candidates is unconstitutional, an injunction against enforcing this provision of the law, and legal costs. The Office of the Attorney General is representing Defendants. Defendants have filed a motion to dismiss and Plaintiffs have

responded. We await an order on the motion. In the meantime, the case has been reassigned to a different judge. Gray Schafer and Steven Zuilkowski are the Commission's points of contact with lead counsel.

Case 1:24-cv-20604-JAL, President of Town Council Elizabeth A. Loper, elected official of the Town of Briny Breezes, et al. v. Lukis et. al. (United States District Court Southern District of Florida). (Jamie A. Cole, Edward G. Guedes, Counsel for Plaintiffs; Kimberly Romano Kopp, Co-Counsel for City of Destin). Plaintiffs are multiple elected municipal officers. They are challenging the validity of the requirement in Section 112.3144, Florida Statutes, that municipal elected officials and mayors (and candidates for such offices) must file a CE Form 6 financial disclosure. Plaintiffs' argument is that requiring these types of officers and candidates to publicly disclose the information required on the CE Form 6 violates their First Amendment rights under the United States Constitution, as it is government-compelled, content-based, non-commercial speech. Plaintiffs seek a declaration that extending the requirements in Section 112.3144 to municipal elected officials and municipal candidates is unconstitutional, an injunction against enforcing this provision of the law, and legal costs and fees. The Office of the Attorney General is representing the defendants. Each side has filed a Motion for Summary Judgement and all related responses. No argument has been scheduled yet. Gray Schafer and Steven Zuilkowski will be the Commission's points of contact with lead counsel.

USCA Case No. 23-12663 (11th Circuit Court of Appeals), and S.D. Fla. (1:22-CV-24156-BB) Garcia et al. v. Stillman et al. (Scott Hiaasen, Benedict Kuehne, Ron Book, and Robert H. Fernandez, Counsel for Plaintiffs). The District Court entered final judgment in favor of the Plaintiffs, finding that Article II, Section 8(f)(2), was an unconstitutional abridgment of free speech. The District Court enjoined the Commission from enforcing the provision on any public officer in the State. Defendants appealed. The 11th Circuit has stayed the injunction pending a final adjudication of the appeal. The Office of the Solicitor General is representing Defendants in the appeal. All briefs are filed. Oral argument occurred on February 24, 2025. We now await the Court's ruling. Steven Zuilkowski is monitoring the appeal.

SPEAKING ENGAGEMENTS

On March 13, Kerrie gave a 30-minute presentation, at the Historic Capitol, to a delegation of Brevard County officials and business leaders participating in Brevard Day 2025.

On April 3, Kerrie served as the speaker for the 2025 Joe Cresse Ethics in Government Lecture, in The Askew School of Public Administration and Policy at Florida State University.

Kerrie spoke on Friday, April 4 at the Florida Public Relations Association's 2025 Leadership Class luncheon.

On April 8, Steve was a guest lecturer for a class at the Askew School of Public Administration and Policy at Florida State University.

On April 9, Steve conducted a Board Certification Review CLE on government ethics for the Florida Bar's City, County, and Local Government Section.

On April 24, Gray presented a 50-minute lecture at the Pat Dore Administrative Law conference. The lecture was delivered to Administrative Law Judges, and covered an overview of the Ethics Commission complaint process, as well as misuse of public position, anti-nepotism, post-employment prohibitions, and gifts.

FINANCES

As of March 31, 2025, we've spent \$2,053,051.34 (67.98%) of our appropriation, with 75% of the FY gone.

PENDING ORDERS IMPOSING PENALTIES

GOVERNOR

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. 18-168, In re Dustin Daniels (Final Order 04/21/21)
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)
Complaint No. 20-060,
20-073, 20-103(Cons.), In re Douglas Underhill (Final Order 10/26/2022) *on appeal
Complaint No. 21-039 to 052, 21-057, 21-060, & 21-064 (Cons), In re Vanessa Baugh (2/1/2023)
Complaint Nos. 19-100 to 19-120 (Cons.), In re Melody Jurado (Final Order 6/14/23)
Complaint No. 22-024, In re John Capps (Final Order 6/14/23)
Complaint No. 21-229, In re Eddie Martinez (Final Order 9/13/2023)
Complaint No. 22-065, In re Oren Miller (Final Order 9/13/2023)
Complaint No. 23-108, Leslie Ricciardelli, (Final Order 10/25/23)
Complaint No. 22-163, William Oppenheimer (Final Order 10/25/23)
Complaint No. 22-164, Heather Post (Final Order 10/25/23)
Complaint No. 18-203, In re Christine Roberts (Final Order 12/6/2023)
Complaint No. 22-027, In re Ernesto Torres (Final Order 12/6/2023)
Complaint No. 19-007, In re Frank Kruppenbacher (Final Order 1/31/24)
Complaint No. 23-016, In re Aneala Beachum (Final Order 1/31/24)
Complaint No. 23-094, In re David Law (Final Order 1/31/24)
Complaint No. 21-101, In re Brian Mulligan (Final Order 3/13/24)
Complaint No. 22-178 & 185, In re Stephanie Busin (Final Order 3/13/24)
Complaint No. 21-238, In re Mark Cagni (Final Order 3/13/24)
Complaint No. 22-012, In re Angela Hough (Final Order 3/13/24)
Complaint No. 23-168, In re Henry Rosenthal (Final Order 4/19/2024)
Complaint No. 23-200, In re Michael Cusack (Final Order 4/19/2024)
Complaint No. 23-221, In re Ken Mascara (Final Order 7/31/2024)
Complaint No. 22-041, 22-115 (Cons.), In re Gregory Tony (3/7/2025)
Complaint No. 22-103, In re Michael Andrew White (3/7/2025)
Complaint No. 22-156, In re Bowen Kou (3/7/2025)
Complaint No. 24-172, 24-225 (Cons.), In re Lauro Diaz (3/7/2025)

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)

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)