

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, October 22, 2021

*Third Floor Courtroom, First District Court of Appeal
2000 Drayton Drive
Tallahassee, Florida*

PUBLIC SESSION MINUTES

At 8:30 a.m. Vice Chair John Grant called the meeting to order with the following members present:

MICHELLE ANCHORS
ANTONIO CARVAJAL
TRAVIS CUMMINGS
DON GAETZ
GLENTON GILZEAN, JR.
JOHN GRANT
WILLIAM MEGGS
JIM WALDMAN

JoAnne Leznoff was absent from the meeting.

The presence of a quorum was noted.

Commissioner Anchors, seconded by Commissioner Waldman, moved to approve the minutes of the September 10, 2021, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION: PRE-PROBABLE CAUSE JOINT STIPULATIONS

Complaint No. 20-206, In re JACKIE TOLEDO

Present were Richard Coates, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

Mr. Coates was heard by the Commission.

Commissioner Carvajal, seconded by Commissioner Anchors, moved to approve the proposed pre-probable cause joint stipulation. By unanimous vote, the motion carried.

Complaint No. 21-077, In re REGINALD SESSIONS

Present were Mark Herron, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Section 112.313(14), Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$1,000.

Mr. Herron was heard by the Commission.

Commissioner Anchors, seconded by Commissioner Meggs, moved to approve the proposed pre-probable cause joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION: POST-PROBABLE CAUSE JOINT STIPULATIONS

Complaint Nos. 19-100 through 19-120 (cons.), In re MELODY JURADO

Present was Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed post-probable cause joint stipulation calling for a finding of violation of Section 112.313(6), Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$5,000.

Commissioner Gilzean, seconded by Commissioner Anchors, moved to reject the proposed post-probable cause joint stipulation because the penalty was inadequate for the violation. The motion carried, with Commissioner Carvajal voting no.

Complaint No. 20-125, In re MUHAMMAD AMIN

Present was Melody A. Hadley, Commission Advocate.

Commissioner Gaetz disclosed that he is acquainted with both of the Complainants.

Ms. Hadley summarized the proposed post-probable cause joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$1,000.

Commissioner Carvajal, seconded by Commissioner Anchors, moved to approve the proposed post-probable cause joint stipulation. By unanimous vote, the motion carried.

Complaint No. 20-211, In re TRACIE DAVIS

Present were Mark Herron, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed post-probable cause joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

Mr. Herron was heard by the Commission.

Commissioner Waldman, seconded by Commissioner Gilzean, moved to approve the proposed post-probable cause joint stipulation. The motion carried, with Commissioner Gaetz temporarily not present.

Complaint No. 20-225, In re ALEXIS P. RODRIGUEZ

Present was Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed post-probable cause joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$20,000.

Commissioner Waldman, seconded by Commissioner Gilzean, moved to approve the proposed post-probable cause joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINION

File 2785. GIFT ACCEPTANCE AND DISCLOSURE: SCHOOL DISTRICT PAYING SALARIES OF SCHOOL BOARD MEMBERS WITH FUNDS FROM VARIOUS SOURCES

Commissioner Carvajal disclosed that his company, Florida Tax Watch does ongoing work with the school board, unrelated to the instant opinion.

Senior Attorney Steve Zuilkowski explained the basis of the draft advisory opinion and the rationale behind its conclusion.

Commissioner Gaetz, seconded by Commissioner Cummings, moved to table the draft opinion. The motion failed, with Commissioner Anchors, Commissioner Grant, Commissioner Meggs, and Commissioner Waldman voting no.

Commissioner Waldman, seconded by Commissioner Meggs, moved to approve the draft opinion. The motion failed with Commissioner Carvajal, Commissioner Cummings, Commissioner Gaetz, Commissioner Gilzean voting no.

Commissioner Waldman, seconded by Commissioner Anchors, moved to approve Question 1 in the draft opinion, and amend/rework Question 2 for the next meeting. The motion carried, with Commissioner Cummings, Commissioner Gaetz, and Commissioner Gilzean voting no.

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

NO HEARING

No one was present for any of the appeals.

FD20-023, In re DAVID BENNETT

FD20-024, In re WILLIAM F. SCHRETZMANN

FD20-025, In re TONY CUNNINGHAM

Commissioner Anchors, seconded by Commissioner Carvajal, moved to approve the staff's recommendations, regarding the above-referenced appeals. By unanimous vote, the motion carried.

CONSIDERATION OF ORDER DECLARING FINANCIAL DISCLOSURE FINES UNCOLLECTIBLE

In re MALCOLM J. DORMAN, 2019 CE FORM 1

In re PHIL HOFFMANN, 2013 CE FORM 1

In re PETER HARRIS, 2018 CE FORM 1

Commissioner Carvajal, seconded by Commissioner Gaetz, moved to declare these fines uncollectible. By unanimous vote, the motion carried.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-8, F.A.C.

Assistant General Counsel Gray Schafer explained the changes in the CE Form 6, CE Form 6F, and CE Form 6X incorporated by reference in the rules being amended.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes. Mark Herron was heard by the Commission.

Commissioner Meggs, seconded by Commissioner Carvajal, moved to adopt the proposed rule/form changes. By unanimous vote, the motion carried.

REPORTS

The Chair announced that he and Commissioners Cummings, Meggs, and Waldman were reappointed to the Commission.

Executive Director Kerrie Stillman elaborated on the legislative update previously provided to the Commissioners.

Executive Director Kerrie Stillman elaborated on her written report previously provided to the Commissioners.

Executive Director Kerrie Stillman updated the Commission on the e-filing system. A handout was provided to the Commission.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 11:20 a.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

JoAnne Leznoff, *Chair*

Date

State of Florida Commission on Ethics
Public Session Meeting – Friday, October 22, 2021, 8:30 a.m.
First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida

Pursuant to Section 286.0114, Florida Statutes, members of the public have the opportunity to have input on proposals before the Commission other than determinations on complaints and opinions. If you wish to be heard on anything on today's agenda other than an opinion or a complaint, please complete this form and return it to a member of the Commission's staff.

NAME: MARK HERON

ORGANIZATION (if applicable): N/A

ADDRESS: P.O. Box 1701, Tall FL 32302-1701

PERSON SPEAKING
ON YOUR BEHALF (if applicable): N/A

AGENDA ITEM: Rule 34-8 Revisions (34-8.002(4))

SUPPORT

OPPOSE

NEUTRAL