

## EXECUTIVE DIRECTOR'S REPORT

**TO:** Members, Commission on Ethics

**FROM:** Kerrie Stillman  
Executive Director



**DATE:** November 17, 2022

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### ADVISORY OPINIONS

The Commission on Ethics did not issue any opinions at its October meeting. It has rendered 2,693 opinions since its inception in 1974.

### LITIGATION

Case Number 1D21-3115, Patrick Loebig v. Florida Commission on Ethics. This is an appeal of CEO 21-9 regarding the Taxpayers' Rights Advocate. We filed an answer brief on March 15, 2022. The Appellant filed his Reply Brief on April 14, 2022, and requested oral argument in his appeal, which was granted by the First District Court of Appeals. Oral argument occurred on July 12, 2022. Gray Schafer argued on behalf of the Commission. We now await the Court's ruling.

Case Number 5D22-322, Bil Spaude v. Florida Commission on Ethics. This is an appeal of Complaint No. 19-174. Oral Argument was scheduled for November 10, 2022, by video conference, but was canceled due to Tropical Storm Nicole. Oral Argument is yet to be rescheduled by the court. Melody Hadley and Steven Zuilkowski are handling this appeal. Melody Hadley will be arguing the case.

Case Number 1D22-924, Daphne Campbell v. Florida Commission on Ethics. This is an appeal of Complaint No. 18-090. The Commission filed an Answer Brief on November 7, 2022. The Appellant's Reply Brief is due December 7, 2022. Gray Schafer, Melody Hadley, and Steve Zuilkowski are handling the appeal.

Case Number 2D22-2191, R.C. "Rick" Lussy v. Florida Commission on Ethics. This was an appeal of Complaint No. 20-186. The Appellant filed his Initial Brief on September 15, 2022. On September 27, 2022, Elizabeth Miller filed a Motion to Strike the Initial Brief and Declare the Appellant a Vexatious Litigator. After reviewing the Motion and the Appellant's Initial Brief, the Court, on its own Motion, issued a Summary Affirmance under Rule 9.315(a) of the Florida Rules of Appellate Procedure. This rare outcome means the Commission won the appeal without having to file an Answer Brief. Elizabeth Miller and Steven Zuilkowski handled this matter.

Case Number SC22-960 and 1D22-3596, James Ballard v. Florida Commission on Ethics. Petitioner is an inmate of the Alachua County Jail. In this matter, originally filed in the Supreme Court of Florida, the Petitioner requested a Writ of Mandamus to order the Commission to accept his ethics complaints against various individuals. 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. Ballard filed a motion to rehear the decision to transfer the matter to the Second Judicial Circuit. The Commission opposed the Motion to Rehear and the Supreme Court denied Ballard's

Motion. Meanwhile, the Second Judicial Circuit dismissed the transferred matter (and one other consolidated case that Ballard filed, but apparently failed to serve the Commission) with prejudice on October 3, 2022. On October 24, 2022, Ballard refiled his original pleading, styled as a motion, which had been dismissed, in the same case in the Second Circuit. The Clerk's Office reopened the case. Ballard asked that a second summons be issued on the Executive Director of the Commission and the summons, along with the same original pleading, was served. On October 28, the Second Judicial Circuit, on its own initiative, issued an order striking Ballard's second filing of his motion, and the order quashed the service of the summons. In the Order, the Clerk was ordered 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. Kathy Heyward is handling this matter.

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This is an appeal of Complaint No. 17-082. The Appellant's Initial Brief is due December 26, 2022. Steven Zuilkowski is handling the appeal.

Case Number 1D22-3429, Douglas Underhill v. State of Florida, Commission on Ethics and Ron DeSantis. This is an appeal of Complaint Nos. 20-060, 20-073, and 20-103 (cons.). The Commission must transmit the Index by December 15, 2022, and the Record by December 27, 2022. The Appellant's Initial Brief is due January 4, 2023. On November 4, 2022, the Appellant filed a Motion to Stay Pending Appeal, attempting to enjoin Governor Ron DeSantis from imposing a penalty in this matter while the appeal is pending. The Commission filed a response to the Motion, taking no position on the motion as the Commission cannot speak for the Governor. On November 10, 2022, the Governor filed a Motion to be removed as an appellee. In the Motion, the Governor also responded to the Appellant's Motion, arguing that if the Court granted the stay, it should narrowly tailor the stay to only affect the order being appealed, not the Governor's Constitutional power to suspend officials. Also on November 10, 2022, the Court denied the Appellant's Motion to Stay. Elizabeth Miller, Gray Schafer, and Steven Zuilkowski are handling the appeal.

## **FINANCES**

As of October 31, we've spent \$896,226.24 (32.24%) of our appropriation, with 33.33% of the FY gone.

## **PUBLIC SPEAKING ENGAGEMENTS / PUBLICATIONS / HONORS**

At the County Commissioners at the Institute for County Government's "2022 Ethics, Public Records, and Sunshine Law" course on November 29<sup>th</sup>, in St. Petersburg, Kerrie will provide two hours of ethics training to County Commissioners. She has also been invited to speak to members of the Florida Senate on December 13<sup>th</sup>, in Tallahassee.

## 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. 19-174, In re William "Bil" Spaude (Final Order 1-26-22) \*on appeal  
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)

### 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)