

FILE 2805 – December 1, 2023

CONFLICT OF INTEREST

SCHOOL BOARD REAL ESTATE TRANSACTIONS WITH A CREDIT UNION THAT DOES BUSINESS WITH SCHOOL BOARD MEMBERS AND WITH A SCHOOL BOARD EMPLOYEE

To: Jeff McInnis, Esq. (Okaloosa County School Board)

SUMMARY:

Under the particular circumstances presented, due to the applicability of the "sole source" exemption found in Section 112.313(12)(e), Florida Statutes, a prohibited conflict of interest would not be created under Sections 112.313(3) or 112.313(7)(a), Florida Statutes, were the School Board to purchase property from a credit union where a School Board Member serves on the Credit Union's Board of Directors and several other School Board Members do business and hold accounts with the Credit Union. The "sole source" exemption will also apply were a School Board employee to sell a parcel of real property to the School District. CEO 20-1, CEO 11-2, CEO 10-4, CEO 08-4, and CEO 91-31 are referenced.

QUESTION 1:

Would a prohibited conflict of interest be created were the School Board to purchase a parcel of land from a Credit Union, where one School Board Member is on the Credit Union's Board of Directors, and several other School Board Members are also Credit Union Members and do business with the Credit Union?

Under the particular circumstances presented, your question is answered in the negative.

Under the particular circumstances presented, your question is answered in the negative.

In your role as attorney for the Okaloosa County School Board, you inquire on behalf of several of its members. You explain that the School Board is considering a purchase of real property currently owned by the Okaloosa County Teachers Federal Credit Union ("the Credit Union"). This property is vacant and contiguous to the campus of Baker School, a K-12 public school in Baker, Florida. You have further explained that, with the Credit Union's permission, the property is currently being used by Baker School for student and special event parking on a daily basis. You also stated that the property's topographical characteristics make it immediately available for the construction of a parking facility.

In addition, you have stated that for its parking facility, the school requires a parcel of land that is contiguous to the existing campus to promote student safety by avoiding the need for students to leave school property when walking between the parking facility and the school's campus. You have consulted a realtor to explore the possibility of purchasing different parcels of land that are contiguous with the campus, but none of them are for sale. There is one undeveloped parcel of land that is contiguous with the campus, which has already been purchased by the School Board for future expansion, but the only portion of that undeveloped parcel that is conducive to the construction of a parking lot is too far from the stadium and classroom buildings to provide reasonable access to those parts of the campus. Having assessed all available property, the School Board has determined that no other parcel of land satisfies all of the School Board's criteria for the parking facility.

You also stated that one School Board Member was recently appointed to the Board of Directors of the Credit Union ("the Board of Directors"). You state that the Board of Directors approved of the property's sale to the School Board months before this School Board Member was

appointed to the Board of Directors. That School Board Member, along with several other School Board members, are also members of the Credit Union who maintain accounts and/or do business with the Credit Union. With this factual background, you inquire as to whether the School Board may purchase the parcel of land from the Credit Union.

Relevant to your inquiry, Section 112.313(3), Florida Statutes, provides:

DOING BUSINESS WITH ONE'S AGENCY.—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision.

The first part of this provision operates to prevent a public employee from acting in his or her public capacity as a purchasing agent, or a public officer acting in his or her official capacity, to “purchase, rent, or lease any realty, goods, or services” for his or her agency from any business entity in which he or she is an officer or director or in which the employee or officer or his or her

spouse or child owns a material interest.¹ The second part of this subsection prevents a public employee or officer from acting in his or her private capacity to rent, lease, or sell any realty, goods, or services to his or her political subdivision or any agency of his or her political subdivision. In the scenario you present, and in the absence of an exemption (discussed below), the School Board member who is on the board of directors of the Credit Union will have a conflict of interest under Section 112.313(3) because she will be acting in a private capacity, as a director of the Credit Union, to sell real property to her political subdivision, the School District.

Also relevant to this inquiry, Section 112.313(7)(a), Florida Statutes, states:

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP. —No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee . . . ; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

The first clause of this statute prohibits a public officer or employee from having any employment or contractual relationship with a business entity or an agency that is regulated by or is doing business with his or her agency. The second clause of this statute prohibits a public officer from having employment or a contractual relationship that would create a continuing or frequently

¹ Section 112.312(15) defines "material interest" as greater than five percent ownership.

recurring conflict of interest or would create an impediment to the full and faithful discharge of his or her public duties. According to Zerweck v. State Commission on Ethics, 409 So. 2d 57 (Fla. 4th DCA 1982), the second clause is designed to prohibit a situation that creates a "temptation to dishonor" one's public responsibilities. The statute is entirely preventative and does not require an actual transgression to occur for a conflict of interest to be found. See CEO 05-14. For purposes of this statute, uncompensated service as a Director of the Credit Union does not constitute a contractual relationship. See CEO 21-7, Question 1, and CEO 20-13. However, membership in a credit union, or otherwise doing business with a credit union, is a contractual relationship. Therefore, each School Board member that is a Credit Union member or does business with the Credit Union has a contractual relationship with the Credit Union. Furthermore, real estate transactions constitute "doing business." Therefore, if the Credit Union sells the property to the School Board while several School Board members have contractual relationships with the Credit Union, the *prima facie* conflicts of interest become apparent.

An exemption, however, provided in Section 112.313(12)(e), Florida Statutes, would negate the conflicts under Sections 112.313(3) and (7)(a) and make the sale permissible, so long as the Credit Union is the sole source of supply. In this regard, Section 112.313(12)(e) states:

. . . no person shall be held in violation of subsection (3) or subsection (7) if: . . .

(e) [t]he business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

The Commission has applied this exemption in the past to negate facially-apparent conflicts of interest under Section 112.313(3) and (7)(a). In CEO 20-1, the Commission applied the exemption to permit a City Councilmember, in his capacity as the managing member of an LLC, to sell real estate to the City because no other property on the market satisfied all of the City's criteria for expanding its offering of public parking. In CEO 10-4, the Commission applied the exemption to negate the application of Section 112.313(3) where a county commissioner's husband owned a material interest in a property, so long as the county had determined that "there [was] a need for the specific property to be acquired." See CEO 10-4 (citing CEO 91-31). In CEO 11-2, the Commission again applied the exemption to negate the applications of Sections 112.313(3) and (7)(a) in a land sale/use context to allow a member of the governing board of a water management district to sell the rights to water storage, water release, and related water management activities on his more-than-15,000-acre property after the staff of the water management district determined that the property presented specific and unique circumstances that made this property preferable to all others.

In this case, the School Board has assessed all available property and determined that no other parcel of land satisfies all of the School Board's criteria for the parking facility it needs. This parcel is contiguous to the existing school campus, is of the appropriate size for a parking facility, and its topographical characteristics make it available for immediate construction. We therefore find that the "sole source" exemption of Section 112.313(12)(e) negates the conflict of interests that would arise for the Board members in question under Sections 112.313(3) and 112.313(7)(a). However, the School Board Member that sits on the Board of Directors, and all School Board Members that are Credit Union Members or do business with the Credit Union, must complete and file CE Form 4A (Disclosure of Business Transaction, Relationship, or Interest) prior to the sale.

Though we find that the "sole source" exemption applies, you should also be aware of Section 112.3143(3)(a), Florida Statutes, which states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Although Section 112.313(12)(e) operates to negate the conflicts of interest arising from Sections 112.313(3) and (7)(a), it does not alleviate obligations arising from Section 112.3143, Florida Statutes, pertaining to voting conflicts. Section 112.3143(3)(a), Florida Statutes, operates to prohibit local public officers from voting on matters that will inure to their special private gain or loss or where they know it will inure to the special private gain or loss of a principal by whom they are retained. We have consistently found that one is retained for their service when they are compensated or otherwise receive consideration. See CEO 08-4, Question 4. Here, assuming the School Board Member serving on the board of directors of the Credit Union is compensated for

his service, the Credit Union is a principal by whom he is retained.² When presented with a vote that will inure to the special private gain or loss of the Credit Union, such as a vote pertaining to the purchase of real property from the Credit Union, the School Board Member should abstain from the vote, announce the nature of his conflict to the assembly, and file CE Form 8B, "Memorandum of Memorandum of Voting Conflict for County, Municipal and other Local Public Officers."

QUESTION 2:

Would a prohibited conflict of interest be created for a School Board employee were the School Board to purchase a second parcel of land from the employee?

Under the particular circumstances presented and limited to the facts of this opinion only, this question is also answered in the negative.

You also made an ethics inquiry on behalf of an employee of the School Board. You have further explained that Baker School also needs to acquire real property to be developed into a baseball field. You aver that there are two additional parcels that are contiguous to the school's campus, neither of which are large enough by themselves to accommodate a baseball field, but a baseball field can be accommodated if they are combined. One of these parcels is owned by a School Board employee, namely an Online Data Technician in the District's School Safety Department. Furthermore, you state the topographical characteristics of the undeveloped parcel of land referenced in Question 1 above are not conducive to the construction of a baseball field.

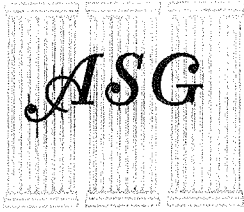
² If he is not compensated for his service on the board of directors of the Credit Union, then the Credit Union is not a principal by whom he is retained and, thus, votes that inure to the special private gain or loss of the Credit Union will not pose a voting conflict for him.

The answer to this question relies heavily on the analysis laid out in the response to Question 1, above. Student safety is a concern for traveling to and from the baseball field just as it is for the parking lot. Thus, according to the requestor, the School Board needs to purchase land that is contiguous to the existing campus to develop the baseball field. Furthermore, these two parcels, when taken together, are of sufficient size to accommodate the field. The requestor has consulted with a realtor to find other available options for sale, but there are no properties for sale that meet the School Board's criteria. We therefore find that the "sole source" exemption also applies to negate any potential conflicts of interest arising from this scenario for this School Board employee under Sections 112.313(3) and 112.313(7)(a), Florida Statutes. As described above, this employee will also need to fill out and file a CE Form 4A.

Your inquiry is answered accordingly.

AL/sjz/jcb

cc: Jeff McInnis



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September 20, 2023

MICHAEL A. FLOWERS**
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KYLE S. BAUMAN
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* FLORIDA SUPREME COURT CERTIFIED
CIRCUIT AND APPELLATE MEDIATOR
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VIA ELECTRONIC MAIL

** FORMER CIRCUIT JUDGE
++ FLORIDA SUPREME COURT CERTIFIED
FAMILY LAW MEDIATOR

Florida Commission on Ethics
325 John Knox Rd Building E, Suite 200
Tallahassee, Florida 32303
stillman.kerrie@leg.state.fl.us

Attn: Kerrie Stillman, Executive Director

Our client : The School Board of Okaloosa County, Florida
Re : Request for Informal Letter of Guidance

Dear Ms. Stillman:

I represent The School Board of Okaloosa County, Florida (“School Board”). The Okaloosa County School District (“District”) is currently negotiating the purchase of a parcel of unimproved real property located contiguous to its Baker School campus in Baker, Florida. The property has been owned by a School Board employee since 2002. Prior to 2002 the subject property was owned by members of the employee’s family. The employee is employed by the School Board as an Online Data Technician in the District’s School Safety Department. There are a couple of issues, in this real estate purchase transaction, on which the School Board requires your interpretation and guidance with regard to the Florida Ethics Code. The employee has authorized me to request this guidance.

By way of background the District’s facility staff has discussed the potential purchase the subject property with the employee over the course of past year for an addition to the Baker School campus. The subject property is needed as part of the location for future planned expansions to the school campus facilities and is uniquely situated for that purpose due to its location contiguous to the campus at the intersection of 15th Street and Walther Street in Baker, Florida. An aerial view of the subject property and its location in relation to the Baker School campus is included with this correspondence from the Okaloosa County Property Appraiser’s parcel maps. There is a larger vacant parcel also contiguous to the school that may be considered as part of future development plans for the Baker School campus. However, access to that parcel from Walther Street would be through the employee’s parcel of land currently under consideration by the District

and therefore presents another unique feature of the subject parcel in the overall planning and future development of the Baker School campus. We believe that the unique features of this property qualify it for consideration under the "sole source supply" exception of §112.313(12), *Florida Statutes*.

In our evaluation of the requirements of 112.313(3), *Florida Statutes*, we have researched and evaluated Ethics Commission opinions which have addressed situations involving real estate sales transactions between employees of a governmental agency and the political subdivision by whom they are employed and also other opinions in which the Ethics Commission has established guidelines and precedent to interpret the standards for determining whether or not there would be a prohibited conflict of interest in these situations if an employee were to conduct a transaction or do business with a governmental agency by which they are employed.

It appears abundantly clear to us that no violation of the first part of §112.313(3), *Florida Statutes*, would occur in the proposed real estate purchase transaction because the employee would not be acting in his public capacity to purchase the real property for the School Board which is a political subdivision by which he is employed.

As to the second part of §112.313(3), *Florida Statutes*, our research indicates that the Ethics Commission has previously advised that because §112.316, *Florida Statutes*, mandates that the Code of Ethics not be construed to prohibit a public officer or employee from engaging in private pursuits which do not interfere with the full and faithful discharge of his public duties, that violations of §§112.313(3) or 112.313(7)(A), *Florida Statutes*, would not be created by an employee selling goods or services to a political subdivision, including real property, where the employee is not responsible in any manner for the approval or giving advice or recommendations as to the purchase and is not in a position with the political subdivision by which they are employed to influence the purchasing process or decision making. (see CEO 78-22, CEO 82-76, CEO 88-17 and CEO 91-55)

In this proposed real property purchase transaction, the employee as a Data Technician in the District's School Safety Department does not have any input into the School Board's real property acquisition decision making process nor does his job description or the scope of his duties and responsibilities involve real property site selection or school facility construction planning. Further, the proposed acquisition of this parcel does not in any way relate directly to his public position so as to place him in a position to potentially be able to influence the land purchase decision. And in this matter the District staff is the party that initially approached the employee to inquire about the possibility of purchasing the parcel of land. It was not marketed to the School Board by the employee.

If for any reason you determine that the employee's position with the School Board places him in the decision making chain of authority for this land purchase transaction, which it does not, then we believe that the "sole source supply" exception to the prohibition under the second part of §112.313(3), *Florida Statutes*, as provided for under §112.313(12)(e), *Florida Statutes*, would apply to the proposed land purchase transaction. As stated previously, the subject property is located contiguous to the Baker School campus and is in the footprint of an area proposed for expansion of that campus and is necessary for future development purposes.

We would appreciate your assistance in providing guidance and interpretation regarding the applicability of §§112.313(3), 112.313(7)(A) and 112.313(12)(e), *Florida Statutes*, and any other provision of the Ethics Code that would apply to this real estate purchase transaction and in which there would be any prohibited conflict of interest for the employee or the School Board in this matter.

If you should need any further documentation or have questions regarding this request, please do not hesitate to call me at (850) 362-7220.

Sincerely,

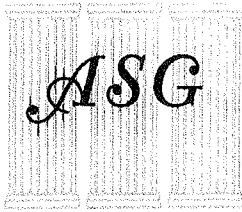
ANCHORS SMITH GRIMSLEY, PLC



C. Jeffrey McInnis

cc: Marcus Chambers, Superintendent of Schools
Thomas D. Walther





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September 12, 2023

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Tallahassee, Florida 32303
stillman.kerrie@leg.state.fl.us

Attn: Kerrie Stillman, Executive Director

Our client : The School Board of Okaloosa County, Florida
Re : Request for Informal Letter of Guidance

Dear Ms. Stillman:

I represent The School Board of Okaloosa County, Florida (“School Board”). The School Board has currently pending a potential purchase of a parcel of real property from the Okaloosa County Teachers Federal Credit Union, a federally chartered credit union, (“Credit Union”). I am requesting a Letter of Informal Guidance with regard to the Florida Ethics Code on behalf of several members of the School Board before they take any final action on the approval of the Purchase and Sale Agreement for the subject parcel.

By way of background the proposed real property purchase transaction is for an unimproved parcel of land currently owned by the Credit Union which property is contiguous to the boundary of Baker School located in Baker, Florida. The site is currently used by Baker School, with the permission of the Credit Union, for student and special event and activity parking as part of its daily campus operations. The Credit Union has agreed to sell the parcel to the School Board to become a permanent part of the Baker School campus. An aerial view of the subject property, and its location in relation to the Baker School campus, is included with this correspondence from the Okaloosa County Property Appraiser’s parcel maps. As you can see from the aerial photo of the subject parcel the land is contiguous to the Baker School campus along its entry road on 14th Street. The subject property has a number of unique features which make the site particularly appropriate for the needs of Baker School which include its contiguous location, its current use for parking purposes and the limited availability of any other vacant property on 14th Street at the entrance to the school for such campus parking purposes. Additionally, because

the parcel is vacant and due to the topographic and physical characteristics of the site it would be available for the immediate commencement of construction of an improved parking facility to increase the parking capacity and functionality of the site for the needs of the school.

The issues for which the School Board needs your guidance are based on several factors which include one of the School Board members have been recently appointed to the Board of Directors of the Credit Union and that Board member, along with several others, being a member of the Credit Union by virtue of their maintaining an account and/or doing business with the Credit Union as an individual customer. The School Board member who is now a member of the Credit Union Board of Directors began that service at her first board meeting on August 24, 2023 which was some months after the Credit Union Board of Directors had authorized and approved the sale to the School Board of the subject property. This School Board member was not then a member of the Board of Directors nor did she participate or have any roll in the decision of the Credit Union Board authorizing and approving the sale of the subject property to the School Board. Additionally, the School Board members who have an account or otherwise do business with the Credit Union are members of the Credit Union due to the structure of that financial institution in that each person who opens an account at the Credit Union becomes a member of the Credit Union. Currently the Credit Union has some eleven (11,000) members, therefore, no member of the School Board holds a “material interest” in the Credit Union as defined by §112.312(15), *Florida Statutes*. The Credit Union does not pay dividends to its members and we are advised that no part of the proposed real estate sales transaction proceeds will be distributed to members of the Credit Union or to the members of its Board of Directors.

In our own evaluation of the requirements of §§112.313(3) and 112.313(7)(A), *Florida Statutes*, we have researched and evaluated opinions of the Ethics Commission which have addressed situations involving real estate purchase transactions between officers and employees of a governmental agency and a political subdivision with which they are involved and the Commission’s interpretation of the “sole source of supply” exception under §112.313(12)(e), *Florida Statutes*, in those type transactions. We have specifically reviewed and considered Commission on Ethics Opinions 06-28, 91-31, 10-4, 11-02, 19-7 and 20-1, which each found that the “sole source of supply” exception to an otherwise prohibited conflict of interest in these matters was appropriate and applicable.

The School Board of Okaloosa County, Florida, therefore, would appreciate your guidance with the following issues:

1. Would the School Board’s purchase of a parcel of real property owned by the Okaloosa County Teachers Federal Credit Union in which a member of the School Board is a director, and this School Board member, along with other members of the School Board are account holders and therefore members of the Credit Union, create a prohibited conflict under §§112.313(3) or 112.313(7)(A), *Florida Statutes*, if the real property to be purchased is a “sole source” under the provisions of §112.313(12)(e), *Florida Statutes*?
2. If there is no prohibited conflict of interest is there any requirement for the School Board member, who is both a Credit Union member and a member of the Credit

Union Board of Directors, as the selling entity or the School Board members who are account holders and therefore members of the Credit Union, to disclose the business relationship and abstain from voting on the real estate purchase transaction under §112.314(3)(a), *Florida Statutes*?

3. Would each member of the School Board who holds an account with the Credit Union and is therefore a member of the Credit Union and also the School Board member who is both a member of the Credit Union Board of Directors and a Credit Union member, need to file a disclosure in this transaction using Commission Form 4A?

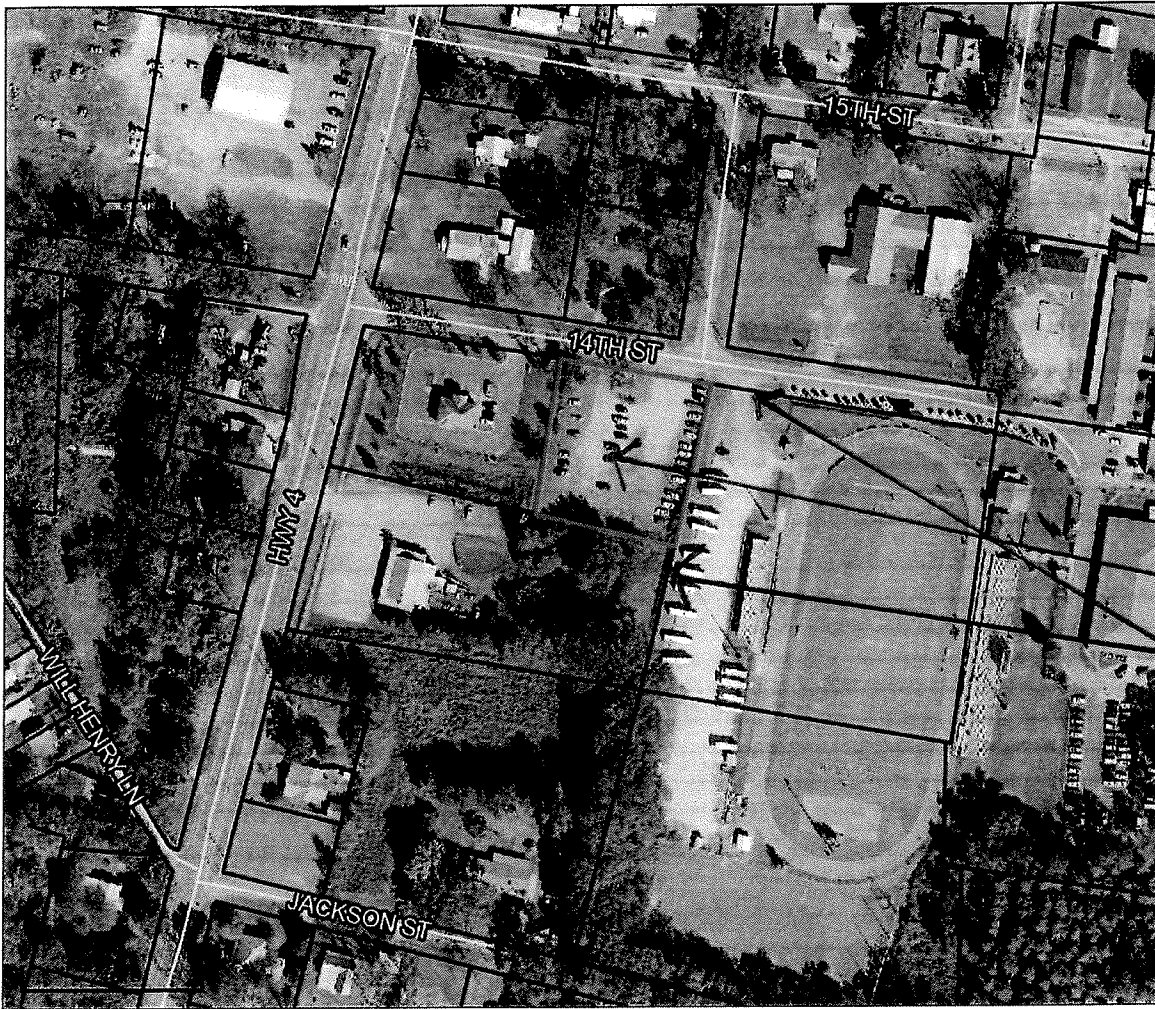
The Purchase and Sale Agreement for this potential real property acquisition is scheduled for a public hearing and is contingent on final approval of the School Board at its meeting set for September 28, 2023. Based upon this pending meeting the School Board would greatly appreciate your legal staff's review of this request and providing to it any available preliminary opinion as to the applicability of either §§112.313(3) or 112.313(7)(A), *Florida Statutes*, and the "sole source of supply" exception under §112.313(12)(e), *Florida Statutes*, by that date to determine whether or not a prohibited conflict of interest exists which prevents the School Board from considering the approval of the Purchase and Sale Agreement to move the real estate transaction forward.

If you should need any further documentation or have questions regarding this request, please do not hesitate to call me at (850) 362-7220.

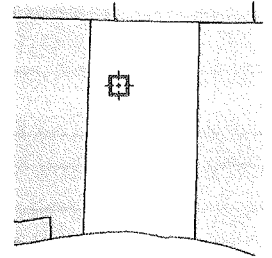
Sincerely,

ANCHORS SMITH GRIMSLEY, PLC


C. Jeffrey McInnis



Overview



Legend

-  Parcels
-  Roads
-  Water
-  City Labels

Subject Parcel
Campus Boundary

Parcel ID	06-3N-24-0000-0001-0020	Physical Address	14TH ST BAKER	Land Value	\$36,197	Last 2 Sales			Qual
Acres (GIS)	0.92	Mailing Address	OKALOOSA COUNTY TEACHERS	Ag Land Value	\$0	Date	6/10/2013	Price	\$100
Property Class	VACANT COM	Address	FEDERAL CREDIT UNION	Building Value	\$0			Reason	UNQUAL/CORRECTIVE/QCD,TD
Taxing District	1		1126 N FERDON BLVD CRESTVIEW, FL 32539	Misc Value	\$0				n/a
				Just Value	\$36,197				U
				Assessed Value	\$36,197				n/a
				Exempt Value	\$0				
				Taxable Value	\$36,197				

Date created: 9/12/2023
Last Data Uploaded: 9/12/2023 10:07:38 AM

Burns, Joseph

From: Burns, Joseph
Sent: Thursday, November 9, 2023 3:19 PM
To: 'Jeff McInnis'
Subject: RE: The School Board of Okaloosa County, Florida request for COE opinion

Good afternoon,

Thank you for confirming that the School Board member that is on the Board of Directors is also a Credit Union member.

The only thing we still need to know is if that same member is paid or unpaid for service as a Director of the Credit Union. I do not see that information in your written request for guidance. If you could confirm that detail for us, we'd appreciate it.

Joseph Burns
Staff Attorney
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
P: (850) 488-7864
F: (850) 488-3077
ethics.state.fl.us

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Wednesday, November 1, 2023 2:13 PM
To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Subject: The School Board of Okaloosa County, Florida request for COE opinion

Mr. Burns:

Please find attached supplemental material as you requested for the pending request for a formal ethics opinion by the Okaloosa County School Board regarding real property acquisition. I trust this material is fully responsive to your request.

Thank you,

Jeff McInnis

C. Jeffrey McInnis, Esq.
Anchors Smith Grimsley

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Burns, Joseph

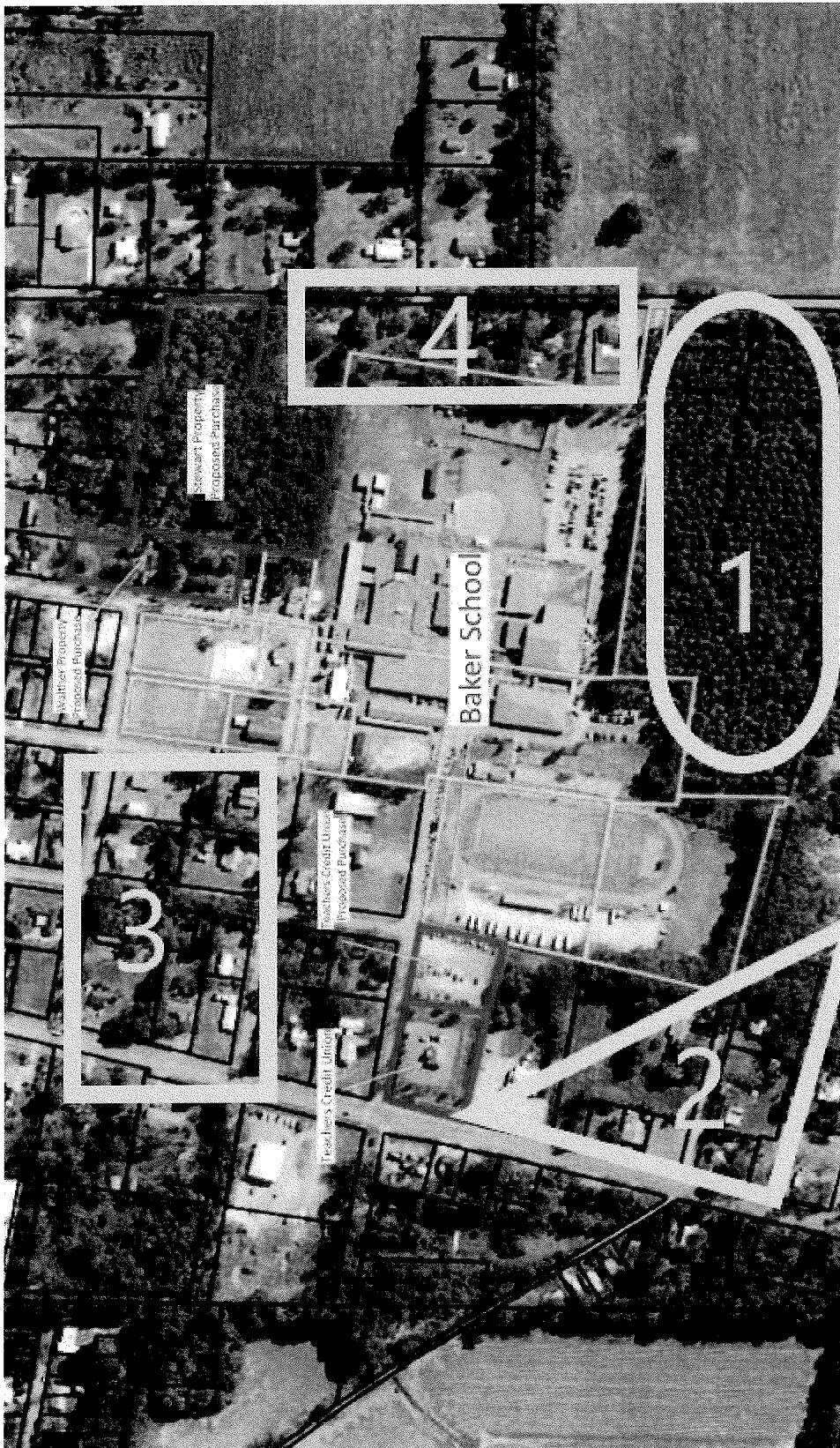
From: Burns, Joseph
Sent: Tuesday, October 10, 2023 3:01 PM
To: jmcinnis@asglegal.com
Cc: Zuilkowski, Steven
Subject: Okaloosa County School Board Formal Opinion

Good afternoon Mr. McInnis,

As we attempt to evaluate whether the “sole source” exemption to the conflicts of interest prohibitions applies to the facts presented, we have some additional questions.

Are any of the following properties available for purchase to use as either a parking lot or baseball field? If they are available for purchase, is there any characteristic of the property that makes its development impractical for the District’s purposes?

1. The large plot of land bordering the campus on the south side, which is covered in trees in your photo (Labeled 1)?
2. Any of the properties to the south or west of the track (Labeled 2)?
3. Any of the properties in your photo to the north of the track (Labeled 3)?
4. Any of the properties bordering the campus on its east side (between the campus and the road) (Labeled 4)?



Joseph Burns
Staff Attorney
Florida Commission on Ethics
P.O. Drawer 15709

Tallahassee, FL 32317-5709

P: (850) 488-7864

F: (850) 488-3077

ethics.state.fl.us

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re MARTY LAWING,)	
)	Complaint No. 23-198
Respondent.)	
_____)	

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, December 1, 2023, the Commission on Ethics met in its executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by La'Tasha Mann of Classy Chics Event Planning & Catering LLC (“Classy Chics”) in Fort Myers, Florida.¹
2. The Respondent, Marty Lawing, allegedly is the City Manager of Fort Myers, Florida.
3. The complaint alleges that all contractual agreements the City enters into are authorized by the Respondent. The complaint alleges that the City entered into a contractual

¹ Rule 34-5.002(1), Florida Administrative Code, indicates the Commission's Executive Director may "obtain information from public records"—such as publicly available records from a property appraiser's officer—when evaluating the legal sufficiency of a complaint. Public records reviewed in accordance with Rule 34-5.002(1), Florida Administrative Code, indicate that La’Tasha Mann is the Chief Executive Officer of Classy Chics.

agreement with Classy Chics to run the food and beverage arm of the Eastwood Golf Course. The complaint alleges that the Respondent threatened to terminate Classy Chics' contract if it did not give the City a portion of its non-Eastwood Golf Course business. The complaint alleges that Classy Chics did not give the City a portion of its business. The complaint also alleges that the State of Florida assigned a generator to Classy Chics to be used at the Eastwood Golf Course so Classy Chics could feed emergency workers in the aftermath of Hurricane Ian. The complaint alleges that the Respondent allowed the Assistant Director of Public Works to confiscate the generator and relocate it to another part of the City. The complaint alleges that the generator was returned several weeks later but that the loss of the generator caused Classy Chics to lose more than \$30,000 in refrigerated items. The complaint also alleges that one of Classy Chics' employees was injured by a golf cart on the golf course and was placed on Workers Compensation. The complaint alleges that, while the employee was out on Workers Compensation, the Respondent demanded that Classy Chics hire a full-time employee in her place. The complaint alleges that, when Classy Chics did not do this, the Respondent terminated its contract for "convenience."

4. Section 112.313(6), Florida Statutes, is implicated by allegations in the complaint.

Section 112.313(6), Florida Statutes, states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as:

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

5. The allegations in paragraph 3, above, fail to indicate a possible violation of Section 112.313(6), Florida Statutes. In order to indicate a possible violation of the statute, a complaint must allege, in a factual, substantive, nonconclusory manner, that a respondent corruptly used or attempted to use his or her public position or resources within his or her public trust, or that he or she corruptly performed his or her official duties, in order to specially benefit himself, herself or another; it is not enough that a detriment to a complainant or another is alleged.

6. With regard to the Respondent's alleged threat to terminate Classy Chics' contract if it did not give the City a portion of its non-Eastwood Golf Course profits, the complaint does not allege that the Respondent or another person would have received any benefit of a substantive nature if Classy Chics had paid a portion of its non-golf course proceeds to the City or if the City terminated Classy Chics' contract. With regard to the allegation that the Respondent allowed the Director of Public Works to confiscate the generator and relocate it to another part of the City, there is no allegation of a substantive nature that the Respondent, the Director of Public Works, or anyone with a close nexus to the Respondent benefitted from such an action. While the City could have benefitted, a benefit to the City would not be a violation of Section 112.313(6), Florida Statutes, because such a benefit to the public is not indicative of the corruption required to find a violation of Section 112.313(6), Florida Statutes. The allegation that the Respondent allowed the Director of Public Works to confiscate the generator and take it to another part of the City is also vague and speculative because no facts are alleged as to how the Respondent "allowed" the Director of Public Works to confiscate the generator and take it to another part of the City. In addition, public records reviewed in accordance with Rule 34-5.002(1), Florida Administrative Code, indicate that the Complainant does not know where the generator was taken or deployed; thus, the allegation that the Director of Public Works took the generator and deployed it in another

part of the City is speculative.² With regard to the allegation that Classy Chics lost more than \$30,000 worth of food, the Commission on Ethics has no jurisdiction over claims of damages. Claims for damages are more appropriately brought in another venue. Finally, regarding the allegation that the Respondent terminated Classy Chics' contract because it did not hire an employee to work while its employee was out on workers compensation, there is no allegation that the Respondent or anyone with a close nexus to the Respondent would have received any benefit if Classy Chics had hired another employee or if its contract were terminated. Further, the Commission on Ethics does not have jurisdiction over claims which might arise from these alleged actions either. The allegations set forth in paragraph 3 do not form a sufficient basis for opening an investigation under Section 112.313(6), Florida Statutes.

7. Article II, Section 8(h)(2), Florida Constitution,³ prohibits a public officer or employee from abusing his or her position to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest. As noted above, the complaint does not indicate that the Respondent used or abused his office to achieve a benefit for himself or certain others. Therefore, the complaint fails to indicate a violation of Article II, Section 8(h)(2), Florida Constitution, as well.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

² See Amended Complaint and Public Report and Order Dismissing Complaint in Commission on Ethics Complaint No. 23-061, which was reviewed in accordance with Rule 34-5.002(1), Florida Administrative Code.

³ On December 31, 2022, the constitutional subsection found in Article II, Section 8(g)(2), Florida Constitution, was redesignated as Article II, Section 8(h)(2), Florida Constitution.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on
Friday, December 1, 2023.

Date Rendered

Ashley Lukis
Chair, Florida Commission on Ethics

AL/kbh

cc: Marty Lawing, Respondent
La'Tasha Mann, Complainant

Ashley Lukis
Chair
Don Gaetz
Vice Chair
Michelle Anchors
William P. Cervone
Tina Descovich
Freddie Figgers
Luis M. Fusté
Ed H. Moore
Wengay M. Newton, Sr.



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

Kerrie J. Stillman
Executive Director

Steven J. Zuilkowski
*Deputy Executive Director/
General Counsel*

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

September 26, 2023

C. Jeffrey McInnis, Esq.
Anchors Smith Grimsley
A Professional Limited Company
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, FL 32547

Re: Request for Advisory Opinion (File No. 2805)

Dear Mr. McInnis:

This acknowledges receipt of the above-referenced request for an advisory opinion from the Commission on Ethics.

A draft of the opinion will now be prepared and will be made available on the Commission on Ethics' website prior to the opinion being heard. Material that is compiled during the preparation of the opinion may also be included on the website. If a requestor's name is included in the draft or in relevant materials, it will not be removed from such draft or materials.

Once the Commission on Ethics approves the opinion, it is required, by law (Section 112.322(3)(a), Florida Statutes), to publish the final version of the opinion. The name of the person making the request will be removed from that published version, unless that person has consented to the use of their name.

On the enclosed document, you can indicate whether you consent to be named in the final published version of the opinion. If you withhold your consent, please be aware that your name will only be removed from the final published version. Any draft of the opinion, including any draft available on the Commission's website, as well as any requested materials in the opinion file, will still contain your name, will be available for public inspection, and are subject to a public record request.

Please check one of the two options on the enclosed document and return your selection to the Commission. If you are requesting an opinion on behalf of another person, that person's consent also is necessary before we may publish his or her name.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Stillman", written over a horizontal line.

Kerrie J. Stillman
Executive Director

**COMMISSION ON ETHICS
 CONSENT TO PUBLISH NAMES IN AN ADVISORY OPINION**

Request for Advisory Opinion (File No. 2805)	Requestor: C. Jeffrey McInnis (Please indicate one check mark below.)
I consent to the use of my name in publication of the above-referenced opinion.	✓
I wish to have the above-referenced opinion published without reference to my name.	

If the opinion was requested on behalf of a public officer or employee, please make a selection for them below.

Request for Advisory Opinion (File No. 2805)	Name of public officer/employee: 5 (Please indicate one check mark below.)
The person for whom the opinion was requested consents to the use of his or her name in publication of the above-referenced opinion.	
The person for whom the opinion was requested wishes to have the above-referenced opinion published without reference to his or her name.	✓

Mail this page to:
 Commission on Ethics
 P.O. Drawer 15709
 Tallahassee, Florida 32317-5709

Or email it to:
 steverson.kathryn@leg.state.fl.us

SCHOOL DISTRICT OF OKALOOSA COUNTY

SUPERINTENDENT OF SCHOOLS
MARCUS D. CHAMBERS

ATTORNEY TO THE BOARD
C. JEFFREY McINNIS, Esq.



BOARD MEMBERS
TIM BRYANT
LINDA EVANCHYK
MARTI GARDNER
DIANE KELLEY
LAMAR WHITE

Property: 14th Street, Baker, Florida - 0.92 acres (Okaloosa County Teachers Federal "Credit Union" Property)

In an effort to be both as efficient as possible and provide optimum experiences for both students, staff and others, the Okaloosa County School District seeks to acquire the Credit Union property which is contiguous to Baker School stadium. By obtaining this property, which is already cleared and is currently being used as a dirt parking lot by the school, the School District will have greater jurisdiction over how this area is being used. Developing a well-organized parking area will give the school ample space with the ability for more vehicle parking to accommodate students and visitors to the school.

Property: 5672 Walther Street, Baker, Florida - 1.28 acres (Walther Property)

The Okaloosa County School District, in an effort to generate enough space on the Baker School campus to allow for the movement of their baseball facility back onto their campus, is seeking to obtain property owned by both the Walther and Stewart families on Buck Ward Road and Walther Street. Both parcels are necessary to have adequate land area for the new baseball facility and its ancillary needs. More than 20 years ago, this baseball facility was moved approximately two miles down the road. This move has caused a jurisdiction issue for the school administration and the district as well as transportation issues to transport student athletes to and from the off-campus facility for this entire length of time. The Walther property is necessary as part of the overall land acquisition because it fronts Walther Street and will provide access from that side of the campus to the larger Stewart parcel. The acquisition of the property across the street from the existing school playground property would allow us to bring resolution to both of these issues.

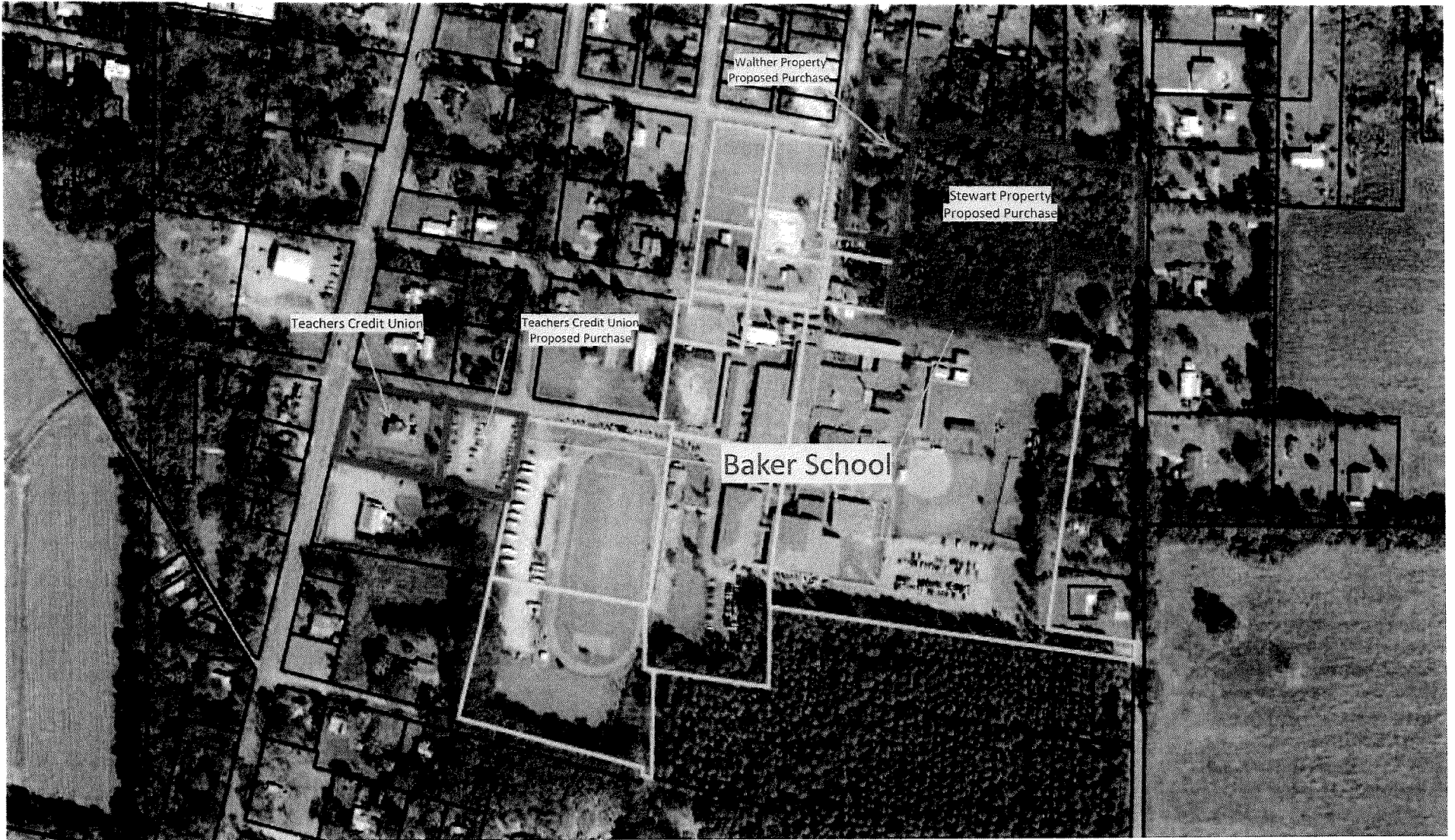
A handwritten signature in black ink, appearing to read "Dr. Bill Smith".

Dr. Bill Smith

Program Director, Facilities Planning

ADMINISTRATION COMPLEX-120 LOWERY PLACE S.E.-FORT WALTON BEACH, FLORIDA 32548
TELEPHONE (850) 833-3100 FAX (850) 833-4237

CARVER HILL ADMINISTRATION COMPLEX-461 W. SCHOOL AVENUE-CRESTVIEW, FLORIDA 32536
TELEPHONE (850) 689-7117 FAX (850) 689-7121



Burns, Joseph

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Wednesday, November 1, 2023 2:13 PM
To: Burns, Joseph
Subject: The School Board of Okaloosa County, Florida request for COE opinion
Attachments: Property Acquisition at Baker School documents.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Burns:

Please find attached supplemental material as you requested for the pending request for a formal ethics opinion by the Okaloosa County School Board regarding real property acquisition. I trust this material is fully responsive to your request.

Thank you,

Jeff McInnis

C. Jeffrey McInnis, Esq.
Anchors Smith Grimsley
A Professional Limited Company
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, Florida 32547
Office: (850) 362-7220
Fax: (850) 664-5728
jmcinnis@asglegal.com



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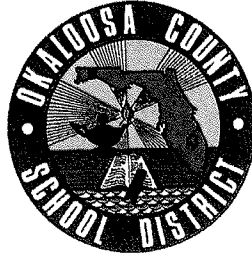
IRS CIRCULAR 230 DISCLOSURE: Pursuant to U.S. Treasury Regulations, we are now required to advise you that, unless explicitly stated above to the contrary: (1) the contents and conclusions (if any) contained in this communication (including any attachments) are preliminary in nature and do not express a formal opinion contemplated by IRS Circular 230; (2) nothing

contained in this communication (including any attachments) is intended to be used, or may be relied upon or used, by any taxpayer for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code; and (3) any statement contained in this communication (including any attachments) relating to any federal tax issue may not be used by any person to support the promotion, marketing of, or used to recommend any transaction or matter addressed in this communication.

SCHOOL DISTRICT OF OKALOOSA COUNTY

SUPERINTENDENT OF SCHOOLS
MARCUS D. CHAMBERS

ATTORNEY TO THE BOARD
C. JEFFREY McINNIS, Esq.



BOARD MEMBERS
TIM BRYANT
LINDA EVANCHYK
MARTI GARDNER
DIANE KELLEY
LAMAR WHITE

October 31, 2023

Re: Property Acquisition/Baker School

In response to requested information from staff of the Florida Commission on Ethics (“COE”) the following information is provided. The COE question is shown in bold font followed by our response.

Are any of the following properties available for purchase to use as either a parking lot or baseball field?

If they are available for purchase is there any characteristic of the property that makes development impractical for the District’s purposes?

1. **The large plot of land bordering the campus on the south side, which is covered in trees in your photo (Labeled 1)?** The property Labeled 1 on the email is a parcel purchased by the District in 2007 for future expansion of the Baker School Facility. The topography of this property is not conducive for the construction of a baseball field and the only area of the property where a parking lot could be constructed, without significant and expensive site work, is along the very edge of the property which is too far from the stadium and current classroom buildings to provide reasonable access for student and stadium event parking for which the Credit Union parcel is currently used. The District feels this property needs to be held for future classroom expansion of the Baker Facility at the primary and intermediate level. Please see attached document labeled Baker School Property A to see the topography of the School Board owned property Labeled 1, in your communications. Also attached is a document labeled Baker School Property B which is a topography of the property proposed to be purchased by the School Board from Mr. Walther’s for comparison with Baker School Property A.

2. **Any of the properties to the south or west of the area (Labeled 2)?** There are no properties for sale in the area Labeled 2 at this time. Please see attached email from Brett House of RE/MAX Realty, Crestview, Florida for Real Estate search information.

3. **Any of the properties in your photo to the north of the area (Labeled 3)?** there are no properties for sale in the area Labeled 3 at this time. Please see attached email from Brett House of RE/MAX Realty, Crestview, Florida for Real Estate search information.

ADMINISTRATION COMPLEX-120 LOWERY PLACE S.E.-FORT WALTON BEACH, FLORIDA 32548
TELEPHONE (850) 833-3100 FAX (850) 833-4237

CARVER HILL ADMINISTRATION COMPLEX-461 W. SCHOOL AVENUE-CRESTVIEW, FLORIDA 32536
TELEPHONE (850) 689-7117 FAX (850) 689-7121

4. Any of the properties bordering the campus on its east side (between the campus and the road, Labeled 4)? There are no properties for sale in the area Labeled 4 at this time. Please see attached email from Brett House of RE/MAX Realty, Crestview, Florida for Real Estate search information.

The two (2) properties listed for sale in the general area of the school are not contiguous to the school campus and are not suitable for the purposes that are needed by the school because of their locations. An area map shows the distance from the school campus of the two (2) properties.

A handwritten signature in black ink, appearing to read 'Bill Smith', with a stylized, cursive style.

Bill Smith
Program Director for Facilities

Smith, Bill

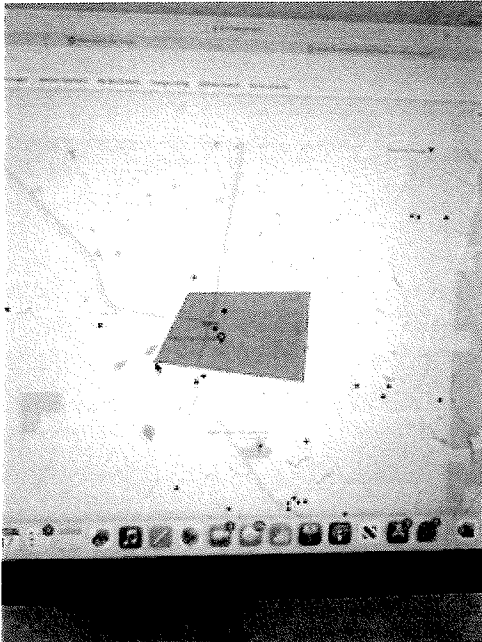
From: Brett House <bretthouseremax@gmail.com>
Sent: Tuesday, October 17, 2023 10:55 AM
To: Smith, Bill
Subject: Re: Okaloosa County School Board Formal Opinion
Attachments: flexmls Web.pdf; School South .pdf

Warning: This E-Mail Originated Outside of the School District's Network.

DO NOT CLICK LINKS OR ATTACHMENTS unless you recognize the sender and know the content is Safe.

Bill,

For sell I searched the MLS, Zillow, Loop net and Crexi and found two listings for sell near but not adjoining the school. Attached pdf and photo of active listings in the search area.



1. As per parcel 1 there appears to be a creek/wetlands between the School and the parcel See attached PDF from County GIS.
2. Label 2 I see nothing available for sell
3. Label 3 shows nothing for sell
4. Label 4 Shows nothing for sell

Thank you,

Brett House
Broker Associate Lic. in AL. and FL.
RE / MAX Agency One Inc.

301 S Ferdon Blvd., Suite A
Crestview, FL 32536
Hebrews 3:4
T: (850) 305-0556
bretthouseremax@gmail.com

Licensed in FL and AL



On Oct 16, 2023, at 12:35 PM, Smith, Bill <SmithB@Okaloosaschools.com> wrote:

Dr. Bill Smith

Program Director Facilities
850-259-3429

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Friday, October 13, 2023 8:08 AM
To: Smith, Bill <SmithB@Okaloosaschools.com>
Subject: FW: Okaloosa County School Board Formal Opinion

Warning: This E-Mail Originated Outside of the School District's Network.

DO NOT CLICK LINKS OR ATTACHMENTS unless you recognize the sender and know the content is Safe.

Bill:

These are the properties we discussed.

Jeff

From: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Sent: Tuesday, October 10, 2023 2:01 PM
To: Jeff McInnis <jmcinnis@asglegal.com>

Cc: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>

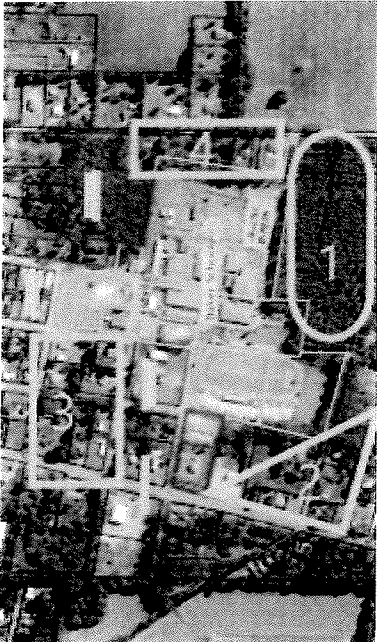
Subject: Okaloosa County School Board Formal Opinion

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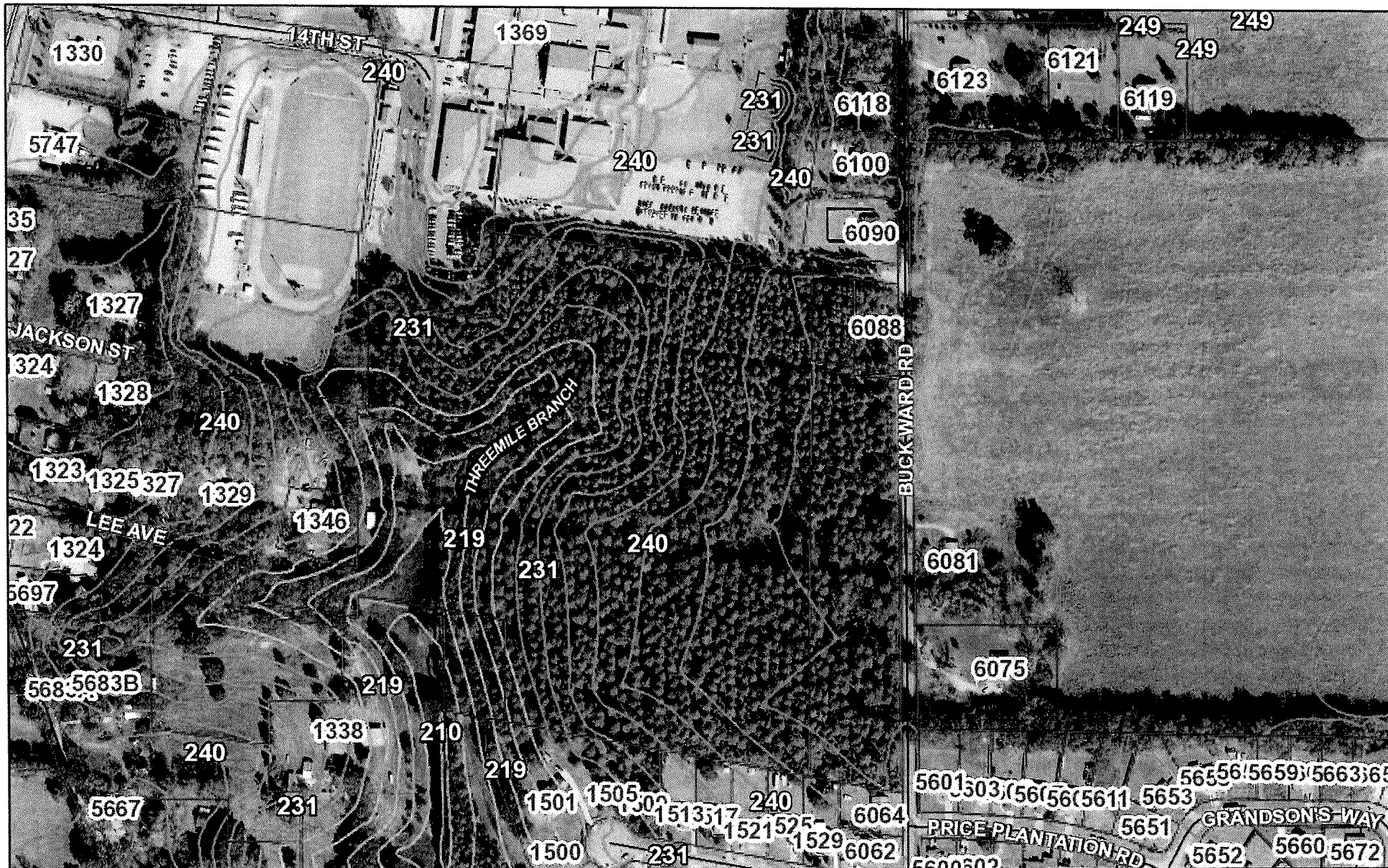
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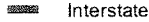


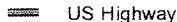




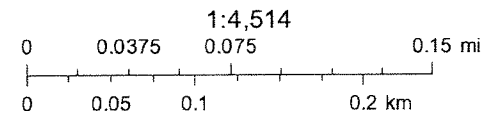
Joseph Burns
Staff Attorney
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
P: (850) 488-7864
F: (850) 488-3077
ethics.state.fl.us

Baker School Property A



October 31, 2023

- | | | |
|---|---|---|
|  PROPERTY LINES | MAJOR ROADS |  County Route |
|  SITE ADDRESS complete |  Interstate |  SECONDARY ROADS |
|  SITE ADDRESS minimal |  US Highway |  SPOT ELEVATIONS |
| |  State Route | |



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

39

Address: 5775 Madison Street, Baker, FL 32531
County: Okaloosa
Area: 25 - Crestview Area
Sub Area: 2510 - Holt/Baker
Project Name/Subdivision: METES & BOUNDS
Zoning: Commercial; County; Resid Single Family; See Remarks
Parcel ID: 06-3N-24-2760-0013-0140
Elementary School: Baker
Middle School: Baker
High School: Baker
Apx SqFt(Htd/Cooled): 1,710
Price/SqFt: \$128.60

Bedrooms: 4
Total Baths: 2
Full Baths: 2
Half Baths: 0
Design: Ranch
Stories: 1
Year Built: 1965
Construction Status: Complete
SqFt Source: Appraiser
Pool: No
Pool Type: None



Directions: From Hwy 90 in Crestview, Had toward Baker, turning Right onto Hwy 4. Turn right onto Georgia Ave, Right onto Madison St Your Destination will be on the left 5775 Madison St.

Legal Description: BAKER LOTS 14 & 15 BLK 13

Remarks: Under contract with the right to continue marketing during the inspection time. Taking back-up offers. Home Sweet Home! This Beautiful 4 Bed/2 Bath Brick Home sits on .32+/- Acres of Prime, Level, Fenced, land. Bring your kids and your Animals. Fenced in yard make this property family and pet Ready! This property is Conveniently located Seconds away from Baker School, property has easy access to aback alley way, giving the opportunity to walk to school. In addition this property features a detached garage and storage shed. Take a short drive to your local beaches, military bases, grocery stores, and shopping centers including the upcoming Crestview Commons!All new wiring and some updated plumbing!

Garage Spaces:	Waterfront Feet:	Acreage: 0.32	Beach Frontage:
Driveway Spaces:	Waterfront:	Farm Info:	
Lot Features: Cleared; Level	Waterview:		
Lot/Parcel Access: Paved Road	Lot Dimensions: 101x140		
Parking Features: Garage Detached			

Room Name	Lvl	Dimnsns	Remarks	Construction/Siding: Brick; Roof Metal
Living Room	First	13.7 x 15.8		Project Facilities:
Dining Area	First	9.6 x 13.7		Exterior: Fenced Chain Link; Fenced Lot-All
Kitchen	First	13.6 x 8		Interior: Floor Vinyl; Floor WW Carpet; Pantry; Washer/Dryer Hookup
Laundry	First	7.8 x 10.3		Appliances:
Den	First	15.1 x 13.7		Utilities: Electric
Bedroom	First	8 x 11		Existing Leases:
Bedroom	First	13.8 x 7.1		Mstr Bdrm/Mstr Bath: MBath Shower Only
Full Bathroom	First	5 x 5.7		Energy: AC - Central Elect; Ceiling Fans; Heat Cntrl Electric
Master Bedroom	First	10.4 x 13.6		
Bedroom	First	11 x 13		
Full Bathroom	First	10 x 6		
Garage	First	28.6 x 14.7	detached garage	

Assessment Amount:	Homestead:	Rent/Mo:
Fees Include:	Land Lease P/Year:	Lease Expiration Dt:
New Buyer Fee Amt:	Assessment Fees: No	Is Subject Leased: No
	Last Taxes: 386	Assumable Mtg Typ:
	Last Tax Year: 2022	Financing: Conventional; FHA; VA

Listing Office: RE/MAX Agency One EGFH
Co-listing Office:
As Is: Yes
Brokerage Interest: No Interest
Agent Ph:
Sale Type:

List Price: \$219,900
Days On Market: 214
Cumulative DOM: 214
Mortgage Type:



Imagery ©2023 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 200 ft

- -
- | | |
|------------------------------------|----------|
| via Monroe St | 6 min |
| | 0.3 mile |
| via 15th St/Walther St and 16th St | 8 min |
| | 0.4 mile |

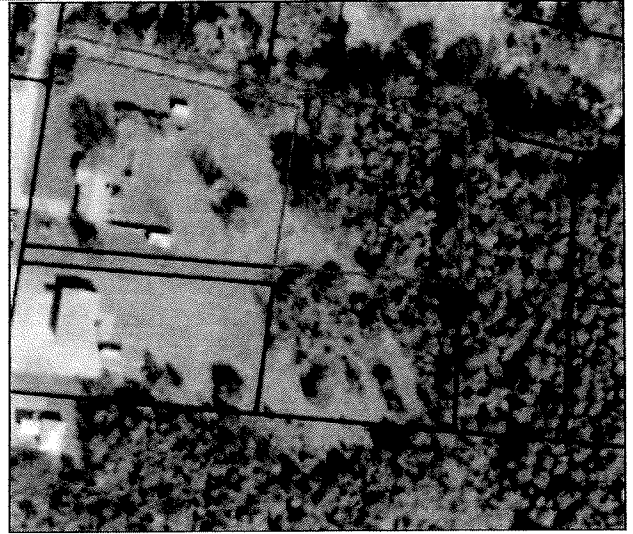
All routes are mostly flat

922014 Public Report - Land Vacant Land - Active

\$74,900

Address: 5815 Monroe Street, Baker, FL 32531
County: Okaloosa
Area: 25 - Crestview Area
Sub Area: 2510 - Holt/Baker
Project Name/Subdivision: NORTH SUPERGROUP (221000.00)
Parcel ID: 31-4N-24-0095-0000-005C
Elementary School: Baker
Middle School: Baker
High School: Baker

Lot: 482.2x178 measurements
Dimensions: are approximate and to veri
Acreage: 1.04
Waterfront:
Feet:
Beach:
Frontage:
Lot Access:
Zoning: County
Mineral Rights:



Directions: Heading North on Hwy 189 turn right on 18th street. Property begins at sharp turn

Legal Description: BAKER HTS S/D BEG NW COR LOT 5 S 78 DEG E 476.45FT S 179.56FT N 86 DEG W 205.49FT N 7 DEG E 184.21FT N 78 DEG W 291.8FT TO E R/W MONROE ST N 8 DEG E 20FT TO POB

Remarks: Bring your custom floor plans to this rare find In downtown Baker! Only a short walk to Baker School!

Waterfront: **Waterview:** **Utilities:** None
Lot Features: **Project Facilities:** **Farm Info:**

Land Lease P/Year:
Assessment Fees:
Assessment Amount:
Assessment Paid:
New Buyer Fee Amt:
New Buyer Fee Paid:
Fees Include:

Rent/Mo:
Lease Expiration Dt:
Existing Leases:

Is Subject Leased: No
Assumable Mtg Typ:
Financing:
Last Taxes:
Last Tax Year:

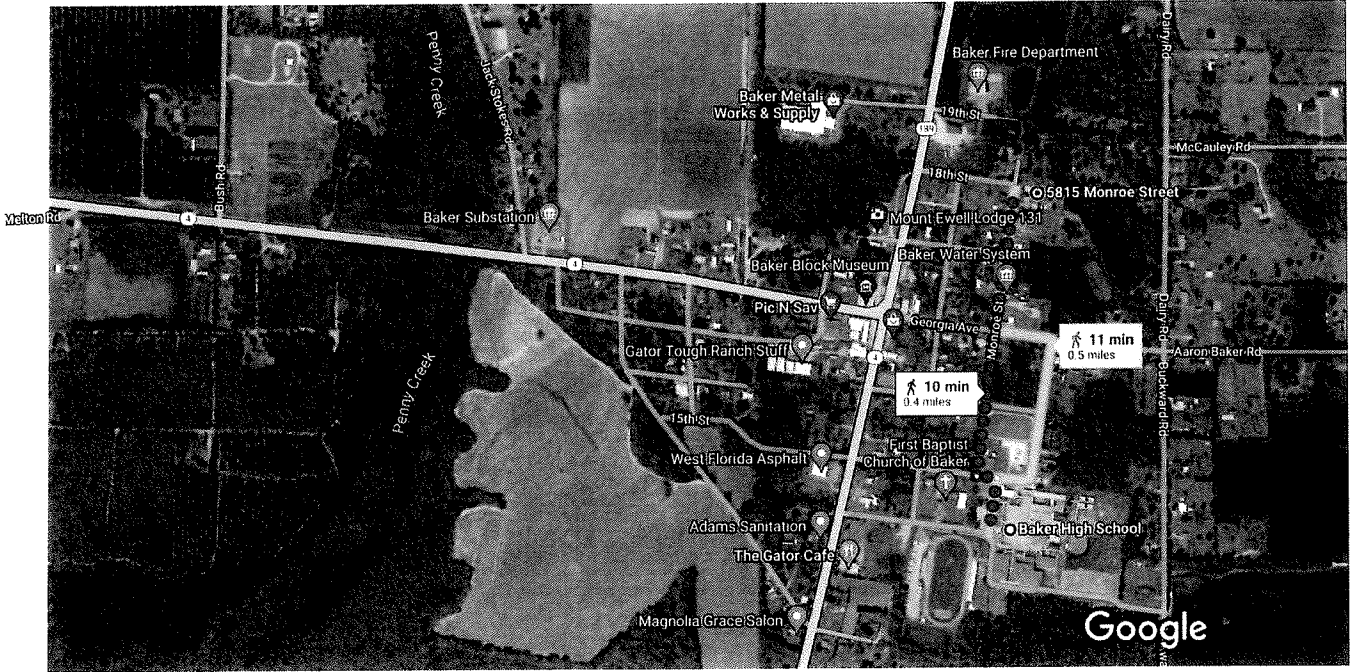
Listing Office: Coldwell Banker Realty ECU3
Co-listing Office:
As Is: Yes
Brokerage Interest: No Interest

Agent Ph: **Sale Type:**

List Price: \$74,900

Mortgage Type:

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Imagery ©2023 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 500 ft

- -
- | | | |
|-------------------------------------|---------------|----------|
| via Monroe St | 10 min | |
| | | 0.4 mile |
| via Walther St and Monroe St | 11 min | |
| | | 0.5 mile |

All routes are mostly flat

49

Burns, Joseph

From: Zuilkowski, Steven
Sent: Monday, September 25, 2023 4:27 PM
To: Jeff McInnis; Burns, Joseph
Subject: RE: Requests for ethics guidance

Jeff, thank you. We'll be in touch.
Steve

Steven J. Zuilkowski

Deputy Executive Director & General Counsel
Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
(850) 488-7864
(850) 488-3077 (Fax)
ethics.state.fl.us

Physical address:
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Monday, September 25, 2023 4:12 PM
To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Cc: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

Joseph:

Please proceed with a formal opinion request for the two (2) informal requests that you have pending from us.

Thank you,

Jeff McInnis

C. Jeffrey McInnis, Esq.
Anchors Smith Grimsley
A Professional Limited Company
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, Florida 32547
Office: (850) 362-7220
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To: Jeff McInnis <jmcinnis@asglegal.com>
Cc: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

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F: (850) 488-3077
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From: Burns, Joseph
Sent: Friday, September 22, 2023 10:04 AM
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Cc: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

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From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Thursday, September 21, 2023 4:43 PM
To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

Confirmed.

Thank you,

Jeff McInnis

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From: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Sent: Thursday, September 21, 2023 3:42 PM
To: Jeff McInnis <jmcinnis@asglegal.com>
Subject: RE: Requests for ethics guidance

Yes please!

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Thursday, September 21, 2023 4:40 PM
To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

Absolutely excellent. Should we call (850) 488-7864?

Patti-Ann

Thank you,

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Subject: RE: Requests for ethics guidance
Importance: High

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Patti-Ann Tanis, paralegal to

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Burns, Joseph

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Monday, September 25, 2023 10:27 AM
To: Burns, Joseph
Cc: Zuilkowski, Steven
Subject: RE: Requests for ethics guidance

Mr. Burns:

Jeff is out of the office in a meeting today. He will reply as soon as possible after seeing your message.

Patti-Ann

Thank you,

Jeff McInnis

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Cc: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

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To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Subject: RE: Requests for ethics guidance

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Thank you,

Jeff McInnis

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Burns, Joseph

From: Jeff McInnis <jmcinnis@asglegal.com>
Sent: Thursday, September 21, 2023 4:43 PM
To: Burns, Joseph
Subject: RE: Requests for ethics guidance

Confirmed.

Thank you,

Jeff McInnis

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From: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>

Sent: Thursday, September 21, 2023 3:31 PM

To: Jeff McInnis <jmcinnis@asglegal.com>

Subject: RE: Requests for ethics guidance

I'm sorry I missed your call. I stepped away from my desk for a few minutes. 9am (Eastern Time) works fine for me.

Joseph Burns

Staff Attorney

Florida Commission on Ethics

P.O. Drawer 15709

Tallahassee, FL 32317-5709

P: (850) 488-7864

F: (850) 488-3077

ethics.state.fl.us

From: Jeff McInnis <jmcinnis@asglegal.com>

Sent: Thursday, September 21, 2023 4:23 PM

To: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>

Subject: RE: Requests for ethics guidance

Importance: High

Hello Mr. Burns:

I was unable to contact you by telephone. Mr. McInnis is available tomorrow morning beginning at 8 am CT/9 am ET. Will that work or should we look for later in the morning? I can move appointments around.

Patti-Ann Tanis, paralegal to

C. Jeffrey McInnis, Esq.

Anchors Smith Grimsley

A Professional Limited Company

909 Mar Walt Drive, Suite 1014

Fort Walton Beach, Florida 32547

Office: (850) 362-7220

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From: Burns, Joseph <BURNS.JOSEPH@leg.state.fl.us>
Sent: Thursday, September 21, 2023 3:13 PM
To: Jeff McInnis <jmcinnis@asglegal.com>
Subject: Requests for ethics guidance

Good afternoon,

I'd like to schedule a call to discuss your recent ethics guidance requests regarding the acquisition of property for Baker School in Okaloosa County. Are you available tomorrow or next week?

Joseph Burns
Staff Attorney
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