

# EXECUTIVE DIRECTOR'S REPORT

**TO:** Members, Commission on Ethics

**FROM:** Kerrie Stillman  
Executive Director

**DATE:** January 11, 2023

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## ADVISORY OPINIONS

The Commission on Ethics issued one advisory opinion at its December meeting. It has rendered 2,694 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 was an appeal of Complaint No. 19-174. Appellant is the mayor of Bushnell. The Commission issued a final order adopting the ALJ's findings and conclusions that Spaude violated Section 112.313(6) and recommending a civil penalty of \$5,000 and a public censure and reprimand. Spaude appealed. Oral argument was held on the case on December 6, 2022. On December 30, 2022, the Court reversed, deciding the appeal in Spaude's favor. The final order issued is quashed.

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 was due December 7, 2022. Appellant did not file a Reply Brief by that date but, on December 14, 2022, filed a Motion for an Extension of Time to Submit a Reply Brief. The Commission filed a notice opposing the extension request, arguing, among other things, that the motion was untimely brought after the Reply Brief was due. The First District Court of Appeal ultimately granted the motion for an extension in part, giving Appellant until December 22, 2022, to serve the Reply Brief, and warning that no further extensions would be granted without a bona fide case of emergency. Appellant filed her Reply Brief on December 22, 2022. On January 3, 2023, the Commission filed a Motion to Strike the Reply Brief on the basis that it raised entirely new arguments not addressed in the Initial Brief. In the alternative, the Commission asked that it be given leave to file a limited response to the arguments raised in the Reply Brief. As of the date of this report, the Court has yet to rule on the Commission's Motion to Strike. Gray Schafer, Melody Hadley, and Steve Zuilkowski are handling the appeal.

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This is an appeal of Complaint No. 17-082. The Appellant filed the Initial Brief. The Answer Brief is due February 2, 2023. Joe Burns, Melody Hadley, and Steven Zuilkowski are 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 Appellant's Initial Brief is due March 6, 2023 (though Appellant indicated in a filing that he believes the due date is February 27). Elizabeth Miller, Gray Schafer, and Steven Zuilkowski are handling the appeal.

Case 1:22-cv-24156, Garcia et al. v. Stillman et al. (United States District Court Southern District of Florida). Plaintiffs are six local public officers. They argue the prohibitions of Article II, Section 8(f)(1)-(3), Florida Constitution, are unconstitutional under the First Amendment of the United States Constitution. Plaintiffs also filed a motion for a preliminary injunction and requested expedited treatment of the motion. At a status conference on December 29, 2022, the Judge Bloom denied the request for expedited treatment on the motion and ordered the matter to be fully briefed by Defendants by January 17, 2023. The judge scheduled a hearing on the motion for January 27, 2023. Risk Management has issued a claim number and has assigned the matter to the Office of the Attorney General. All defendants are represented by the Office of the Attorney General. Karen Brodeen of the Office of the Attorney General is lead counsel for the Defendants. Steven Zuilkowski is the Commission's point of contact with lead counsel.

## **FINANCES**

As of December 31, we've spent \$1,209,963.13 (43.8%) of our appropriation, with 50% of the FY gone.

## **PUBLIC SPEAKING ENGAGEMENTS**

Gray provided a 2.5 hour training for the City of Gainesville on December 7.

Kerrie gave a two-hour virtual presentation as a part of the Duties and Responsibilities of Florida Tax Collectors' certification class presented by the Florida Department of Revenue, Property Tax Oversight on January 20. She will also provide two hours of ethics training Property Appraisers and Tax Collectors at DOR's Continuing Education Workshop on January 31, in Orlando.

## **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. 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)

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- 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)