

# EXECUTIVE DIRECTOR'S REPORT

**TO: Members, Commission on Ethics**

**FROM: Kerrie Stillman**   
**Executive Director**

**DATE: July 12, 2023**

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## ADVISORY OPINIONS

The Commission on Ethics did not issue any opinions at its June meeting. It has rendered 2,698 opinions since its inception in 1974.

## LITIGATION

Case Number 1D22-924, Daphne Campbell v. Florida Commission on Ethics. This is an appeal of Complaint No. 18-090. 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. On January 20, 2023, the Court issued an order deferring a ruling on the motion to the panel of judges considering the merits of the appeal. Neither party requested oral argument, so we await the Court's ruling on the merits. Gray Schafer, Melody Hadley, and Steven 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. All briefs are filed and the Commission has requested oral argument, which is scheduled for August 16, 2023. Joe Burns will argue the case. Joe Burns, Melody Hadley, and Steven Zuilkowski are handling the appeal.

Case Number 1D22-3429, Douglas Underhill v. State of Florida, Commission on Ethics. This is an appeal of Complaint Nos. 20-060, 20-073, and 20-103 (cons.). The Commission filed its Answer Brief. The Appellant's Reply Brief is due on July 17, 2023. 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 local public officers. They are challenging the validity of the prohibitions of Article II, Section 8(f)(1)-(3), Florida Constitution. The Plaintiffs and Defendants have both filed motions for summary judgment and responses. We await the judge's ruling on those motions. Trial is currently scheduled to occur in August, if the motions do not resolve the case. In the 11<sup>th</sup> Circuit Court of Appeals, Defendants have filed an appeal of the preliminary injunction issued by the trial court that prevented the Commission from enforcing the In-Office Lobbying Restriction against all state and local public officers. The Court has granted Defendants a stay of the preliminary injunction as to all state and local public officers except the two Plaintiffs. The appeal of the preliminary injunction is still to be decided.

Case Number 2023-CA-2518, Manes Pierre v. Commission on Ethics. Mr. Pierre originally filed a Petition for Writ of Mandamus in the 5<sup>th</sup> DCA, case # 5D23-1388. The 5<sup>th</sup> DCA transferred the matter to the Circuit Court in and for Marion County. Judge Steven G.

Rogers is assigned to the case, and has yet to determine whether to dismiss the petition or issue an order to show cause.

## **FINANCES**

As of June 30, we've spent \$2,396,429.92 (86.75%) of our appropriation, with 100% of the FY gone.

## **STAFF UPDATES**

After doing a fantastic job as a part-time OPS disclosure clerk during the peak disclosure season, Jeremy Pennington was hired to fill a .5FTE Clerk position.

## **PUBLIC SPEAKING ENGAGEMENTS**

On June 28, Steve provided a one hour presentation to the Office of General Counsel for the Florida Department of Environmental Protection. Participants received one CLE credit from the Florida Bar.

## **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)  
Complaint No. 21-052, 21-057, 21-060, & 21-064 (Cons), In re Vanessa Baugh (2/1/2023)  
Complaint No. 17-065, 17-069, 19-087(cons.), In re Keith Doherty (Final Order 03/15/23)  
Complaint No. 22-039, In re Justin David Feller (Final Order 6/14/23)  
Complaint Nos. 19-100 to 19-120 (Cons.), In re Melody Jurado (Final Order 6/14/23)  
Complaint No. 22-024, In re John Capps (Final Order 6/14/23)

#### 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)  
Complaint No. 22-146, In re Jennie Blackburn (Final Order 4/26/23)

#### 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)

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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)