

MAY 27 2026

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS

In re JANETTE MARTINEZ,

Respondent.

Complaint No. 26-163

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, July 24, 2026, the Commission on Ethics met in 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 Jeremy Fetzer of Kissimmee, Florida.
2. The Respondent, Janette Martinez, is a City Commissioner and Notary Public in Kissimmee, Florida.
3. The complaint alleges that, in December of 2024, Respondent voted to approve funding for the City of Kissimmee's "Business Boost 2.0" grant program. The complaint alleges that this grant program was created for the purpose of supporting businesses that are still recovering from the economic effects of the COVID-19 Pandemic.

4. The complaint alleges that Respondent has operated her restaurant business, Coqui's Kitchen (operating via the LLC "Forty Martinez"), at the same location as another restaurant in town, Kenny's Cake, PR (operating via the LLC "KMG Party Designer"). The complaint alleges that in September of 2025, nine months after the vote to fund the Business Boost 2.0 grant program, Respondent used her City email account to forward an email providing information about the grant program to the owner of Kenny's Cake, PR.

5. The complaint alleges that Respondent, in her capacity as a notary, later notarized Kenny's Cake, PR's application to receive funds through the grant program, and that Kenny's Cake, PR ultimately received \$10,000 in grant funds.

6. The Commission on Ethics has jurisdiction to investigate only those allegations "based upon personal knowledge or information other than hearsay." See § 112.324(1)(a), Fla. Stat. (requiring an allegation to be based on personal knowledge or information other than hearsay to be legally sufficient for investigation). The allegations in paragraphs 3, 4, and 5 appear to be based on personal knowledge or information other than hearsay, as Complainant attached multiple documents that would likely be admissible under the "Records of Regularly Conducted Business Activity" hearsay exception found in Section 90.803(6), Florida Statutes and the "Public Records and Reports" hearsay exception found in Section 90.803(8), Florida Statutes.¹ These include: the meeting agenda from the December 2024 City Commission meeting where the Business Boost 2.0 grant program was considered, a document showing the list of grant recipients (including KMG Party Designer) and how much each recipient received (\$10,000 to KMG Party Designer), KMG

¹ Rule 34-5.002(2)(a)2. of the Florida Administrative Code states an allegation in an ethics complaint will be considered based on information other than hearsay so long as the evidence supporting the allegation is hearsay that is, or likely would be, admissible under Section 90.801 through 90.805, Florida Statutes. See also Florida Elections Commission v. Valliere, 45 So.3d 506 (Fla. 4th DCA 2010).

Party Designer's grant application and accompanying affidavit which appears to have been notarized by Respondent, KMG Party Designer's vendor authorization agreement for electronic fund transfer, KMG Party Designer's commercial lease agreement, and Department of State Division of Corporations and Department of Business and Professional Regulation records for KMG Party Designer, Kenny's Cake, PR, Forty Martinez, and Coqui's Kitchen. Complainant also attached documents that would likely be admissible under the "Admissions" hearsay exception found in Section 90.803(18), Florida Statutes. These include Respondent's email to the owner of Kenny's Cake, PR regarding the grant program, and multiple posts that Respondent has shared on Facebook advertising the location of Coqui's Kitchen, which show the same address that is associated with Kenny's Cake, PR. Finally, Respondent's vote to approve funding of the Business Boost 2.0 grant program occurred at a publicly available meeting. However, even considering the allegations in paragraphs 3 through 5 on their merits, they do not provide a legally sufficient basis for investigation as explained below.

7. Section 112.313(6), Florida Statutes, is the only statutory prohibition over which the Commission has jurisdiction that is relevant to the allegations in the complaint. Section 112.313(6) 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.

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 her public position or resources within her public trust, or that she corruptly performed her official duties, in order to specially benefit herself or another; it is not enough that a detriment to a complainant or another is alleged.

8. The complaint substantively fails to indicate a possible violation of Section 112.313(6). Here, it is not inherently corrupt for Respondent to use her public email account to forward an email to local business owners regarding a grant program for local businesses, including the owner of Kenny's Cake, PR. The email itself, which is included on pages 36 to 38 of the complaint, simply forwarded a press release from the City concerning the launch of the grant program. No additional information or advice was provided. It is also not inherently corrupt for Respondent to assist citizens with completing City paperwork, including notarizing applications for City grant programs. Furthermore, the fact that Respondent allegedly operates her business at the same address as the grant recipient is not enough to show that Respondent herself benefitted from any City grant funds received by Kenny's Cake, PR. Any insinuation to that effect is speculative. Even assuming Respondent sells her products at Kenny's Cake, PR, this does not mean any of the alleged conduct was "corrupt." It is well settled that Section 112.313(6) will not be violated in situations where there is a valid public purpose for a public officer's actions, notwithstanding that the action provides an incidental personal or private benefit to the public officer or another. See Blackburn v. State, Commission on Ethics, 589 So. 2d 431, 435-436 (Fla. 1st DCA 1991). Additionally, the complaint provides no indication as to what role the City Council plays in approving grant applications, if any. For these reasons, the allegations in the complaint do not form a sufficient basis to initiate an investigation under Section 112.313(6).

9. We also find the allegations in paragraph 3, above, cannot constitute a violation of the prohibition currently found in Article II, Section 8(h)(2) of the State Constitution because, even if accepted as true, they do not identify in a factual, nonconclusory manner, any disproportionate benefit to Respondent, Respondent's spouse, children, or employer, or any business with which Respondent contracts, in which she is an officer, partner, director, or proprietor, or in which she owns an interest, as would be needed to constitute a violation of the constitutional prohibition.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.²

² Complainant makes several allegations pertaining to Respondent's business licensure. However, the Commission does not have jurisdiction over this area of law, and it implicates Respondent's private-capacity conduct rather than any acts or omissions taken in her public role(s).

Complainant also cites to Chapter 117, Florida Statutes (the laws governing Notaries), however, the Commission does not have jurisdiction to enforce any of the provisions contained therein.

Complainant also cites to Section 112.313(7)(a), Florida Statutes (Conflicting Employment or Contractual Relationships), however, to indicate a violation of this statute, a required element is that Respondent has an employment or contractual relationship with a party in the first place. Simply operating out of the same address, without more, is not enough to allege that Respondent has an employment or contractual relationship with Kenny's Cake, PR. Respondent is not listed on any of the corporate documents associated with that business, nor is the owner of that business listed on any of the corporate documents associated with Respondent's business.

Complainant also cites to Section 112.3143, Florida Statutes (Voting Conflicts), however, the only allegation in the complaint pertaining to any votes taken by Respondent is that Respondent allegedly voted to fund the grant program in its entirety. This vote occurred in December 2024, approximately nine months before Respondent forwarded information concerning the program to the owner of Kenny's Cake, PR. Any future special private gain or loss (i.e., any economic effect) this vote could have potentially had on Respondent (as a small business owner) or any of her business associates was too remote and speculative at the time of the vote to constitute a violation of the statute. Also, we note the vote was not an insular vote pertaining to Respondent's own business or a business of one of her business associates, and was not a vote to grant or deny any particular applications. Rather, it was a vote to generally fund a program open to the public. See CEO 12-19, CEO 12-1, and CEO 05-15 (regarding when gains or losses are remote and speculative).

ORDERED by the State of Florida Commission on Ethics meeting in executive session on
Friday, July 24, 2026.

Date Rendered

Jon M. Philipson
Chair, Florida Commission on Ethics

JMP/aln

cc: Ms. Janette Martinez, Respondent
Mr. Jeremy Fetzer, Complainant