

**STATE OF FLORIDA  
COMMISSION ON ETHICS**

**Friday, April 19, 2024**

*Third Floor Courtroom, First District Court of Appeal  
2000 Drayton Drive  
Tallahassee, Florida*

**PUBLIC SESSION MINUTES**

At 8:36 a.m. Chair Ashley Lukis called the meeting to order with the following members present:

MICHELLE ANCHORS  
WILLIAM CERVONE  
FREDDIE FIGGERS  
LUIS FUSTÉ  
ASHLEY LUKIS  
WENGAY NEWTON, SR.

Tina Descovich was absent from the meeting.

The presence of a quorum was noted.

**Commissioner Fusté, seconded by Commissioner Cervone, moved to approve the minutes of the February 22, 2024, Public Video Conference meeting. By unanimous vote, the motion carried.**

**Commissioner Anchors, seconded by Commissioner Fusté, moved to approve the minutes of the March 8, 2024, Public Session meeting. By unanimous vote, the motion carried.**

**CONSIDERATION OF FINAL ACTION – PRE-PROBABLE CAUSE JOINT STIPULATION**

**Complaint No. 23-168, In re HENRY ROSENTHAL**

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Article II, Section 8(h)(2), Florida Constitution, and Section 112.313(6), Florida Statutes, and a recommended penalty of public censure and reprimand, and a civil penalty of \$2,500.

**Commissioner Cervone, seconded by Commissioner Newton, moved to approve the proposed pre-probable cause joint stipulation. By unanimous vote, the motion carried.**

**Complaint No. 23-200, In re MICHAEL CUSACK**

Present were Mark Herron, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Section 112.313(8), Florida Statutes, and a recommended civil penalty of \$1,500.

Mr. Herron was heard by the Commission.

**Commissioner Newton, seconded by Commissioner Anchors, moved to approve the proposed pre-probable cause joint stipulation. By unanimous vote, the motion carried.**

### **CONSIDERATION OF PROBABLE CAUSE**

#### **Complaint No. 23-225, In re JOSEPH B. PINDER, III**

Present were Mark Herron, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley recommended that the Commission find no probable cause, regarding the allegations that the Respondent violated Article II, Section 8(h)(2), Florida Constitution, and Section 112.313(6), Florida Statutes.

Mr. Herron was heard by the Commission.

**Commissioner Anchors, seconded by Commissioner Fusté, moved to approve the Advocate's Recommendation. By unanimous vote, the motion carried.**

### **CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS**

#### **NO HEARING**

No one was present for any of the appeals.

**FD19-065, In re BARRY BICHARD**

**FD21-005, In re AMELIA KEATON**

**FD22-009, In re NICHOLAS POPPELL**

**FD22-012, In re NICHOLAS RIVERO**

**Commissioner Anchors, seconded by Commissioner Fusté, moved to approve the staff's recommendations. By unanimous vote, the motion carried.**

#### **FD22-019, In re FREDDIE FIGGERS**

Commissioner Figgers abstained from the consideration of this matter, as disclosed in the CE Form 8A Memorandum of Voting Conflict, which is incorporated in these minutes.

General Counsel Steven Zuilkowski explained the basis of the draft final order and the rationale behind its conclusion.

**Commissioner Fusté, seconded by Commissioner Newton, moved to approve the staff's recommendation. The motion carried, with Commissioner Cervone voting no, and Commissioner Figgers abstaining.**

### **CONSIDERATION OF EXPENDITURES**

**Commissioner Newton, seconded by Commissioner Fusté, moved to approve the expenditure by granting Executive Director Kerrie Stillman the authority to use funds from the budget, and carry forward, if exceeded, to mail out post cards to filers not yet registered in EFDMS. By unanimous vote, the motion carried.**

### **REPORTS**

The Chair had no report.

Executive Director Kerrie Stillman elaborated on her legislative report previously provided to the Commissioners.

Executive Director Kerrie Stillman elaborated on her written Executive Director's report previously provided to the Commissioners. She also informed the Commission that Staff Attorney Joseph Burns was leaving the Commission on Ethics.

Executive Director Kerrie Stillman updated the Commission on the successful relaunch of e-filing, and updated the Commission with the financial disclosure compliance numbers for the current filing year.

### **ADJOURNMENT**

With no further items on the agenda, the Public Session adjourned at 9:33 a.m.

Respectfully submitted,

Approved:

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Diana Westberry, *Secretary*

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Ashley Lukis, *Chair*

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Date

APR 19 2024

RECEIVED

# FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Figgers, Freddie</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Commission on Ethics</i>
MAILING ADDRESS <i>PO Drawer 15709 Leon</i>		NAME OF STATE AGENCY <i>Commission on Ethics</i>
CITY <i>Tallahassee FL</i>	COUNTY <i>32317-5709</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <i>4/19/24</i>		

## WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, committee, or as a member of the Legislature. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

### ELECTED OFFICERS:

As a person holding elective state office, you may not vote on a matter that you know would inure to your special private gain or loss. However, you may vote on other matters, including measures that would inure to the special private gain or loss of a principal by whom you are retained (including the parent or subsidiary or sibling organization of a principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. If you vote on such a measure or if you abstain from voting on a measure that would affect you, you must make every reasonable effort to disclose the nature of your 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. If it is not possible for you to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection, or by use of Form 8A.

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### APPOINTED OFFICERS:

As a person holding appointive state office, you are subject to the abstention and disclosure requirements stated above for Elected Officers. You also must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Freddie Figgers, hereby disclose that on April 19, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent, subsidiary, or sibling organization of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I filed an appeal of an automatic financial disclosure fine. This vote resolves that appeal.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4-19-2024  
Date Filed

Freddie Figgers  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.