

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, September 10, 2021

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

PUBLIC SESSION MINUTES

At 8:30 a.m. Vice Chair John Grant called the meeting to order with the following members present:

MICHELLE ANCHORS
ANTONIO CARVAJAL
TRAVIS CUMMINGS
DON GAETZ
GLENTON GILZEAN, JR.
JOHN GRANT
JIM WALDMAN

JoAnne Leznoff and William Meggs were absent from the meeting.

The presence of a quorum was noted.

Commissioner Grant congratulated new Executive Director, Kerrie Stillman.

Commissioner Gaetz, seconded by Commissioner Gilzean, moved to approve the minutes of the July 23, 2021, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 16-130, In re FRANTZ PIERRE

Present were Mark Herron, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed joint stipulation calling for a finding of violation of Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$1,000.

Commissioner Waldman, seconded by Commissioner Carvajal, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

Complaint No. 20-054, In re MILISSA HOLLAND

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

Ms. Hadley summarized the proposed joint stipulation calling for a finding of violation of Section 112.313(6), Florida Statutes, with a recommendation of a civil penalty of \$1,000.

Mr. Herron was heard by the Commission.

Commissioner Anchors, seconded by Commissioner Waldman, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINIONS

File 2782. CONFLICT OF INTEREST: BUSINESS OF MEMBER OF THE BOARD OF TRUSTEES OF A STATE UNIVERSITY APPLYING FOR A GRANT FROM THE UNIVERSITY'S DIVISION OF SPONSORED RESEARCH

Assistant General Counsel Michael Wyatt and Assistant Vice President of Research Dr. Matthew Schwartz, of the University of West Florida, were present.

Senior Attorney Steve Zuilkowski explained the basis of the revised draft advisory opinion and the rationale behind its conclusion.

Mr. Wyatt was heard by the Commission.

Commissioner Gaetz, seconded by Commissioner Anchors, moved to approve the draft opinion. By unanimous vote, the motion carried.

File 2784. POST-OFFICEHOLDING RESTRICTIONS: FORMER TAXPAYERS' RIGHTS ADVOCATE REPRESENTING CLIENTS BEFORE THE DEPARTMENT OF REVENUE

A handout was provided to the Commission.

Dylan Rivers, Attorney for the Requestor, was present.

Assistant General Counsel Gray Schafer explained the basis of the request to withdraw the request for an advisory opinion.

Mr. Rivers was heard by the Commission.

Commissioner Gilzean, seconded by Commissioner Carvajal, moved to deny the withdrawal of the opinion request. By unanimous vote, the motion carried.

Assistant General Counsel Gray Schafer explained the basis of the draft advisory opinion and the rationale behind its conclusion.

Mr. Rivers was heard by the Commission.

Commissioner Gaetz, seconded by Commissioner Gilzean, moved to approve the draft opinion with additional footnote. By unanimous vote, the motion carried.

CONSIDERATION OF ORDER DECLARING FINANCIAL DISCLOSURE FINES UNCOLLECTIBLE

**In re PATRICIA WILSON, 2017 CE FORM 1
In re JAMES MICHAEL KUZMA, 2018 CE FORM 1
In re CECILIA BRADLEY, 2018 CE FORM 1**

Commissioner Anchors, seconded by Commissioner Carvajal, moved to declare these fines uncollectible. By unanimous vote, the motion carried.

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

NO HEARING

No one was present for any of the appeals.

FD19-162, In re CYNTHIA HOWARD

Commissioner Carvajal, seconded by Commissioner Waldman, moved to reject the staff's recommendation, and waive the fine. The motion failed, with Commissioner Anchors, Commissioner Cummings, Commissioner Gaetz, and Commissioner Gilzean voting no.

Commissioner Gaetz, seconded by Commissioner Gilzean, moved to approve the staff's recommendation, regarding the above-referenced appeal. By unanimous vote, the motion carried.

FD20-015, In re MEL SCOTT

Commissioner Waldman, seconded by Commissioner Carvajal, moved to approve the staff's recommendation, regarding the above-referenced appeal. By unanimous vote, the motion carried.

FD20-026, In re CYNTHIA HOWARD

Commissioner Waldman, seconded by Commissioner Carvajal, moved to approve the staff's recommendation, regarding the above-referenced appeal. By unanimous vote, the motion carried.

CONSIDERATION OF SECOND ORDER ON REQUEST FOR EXTENSION

Extension Request 21-03, In re MATTHEW H. CALDWELL

Commissioner Cummings, Commissioner Gaetz, and Commissioner Waldman disclosed that they are acquainted with Mr. Caldwell.

Commissioner Anchors, seconded by Commissioner Carvajal, moved to approve the amended proposed order, limiting the extension period to August 30, 2021. By unanimous vote, the motion carried.

Extension Request 21-04, In re MARK THOMAS EISSEY

Commissioner Gaetz, seconded by Commissioner Cummings, moved to approve the proposed order. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ORDERS ON FINANCIAL DISCLOSURE FINES WHERE THERE HAS BEEN NO TIMELY APPEAL AND NO PAYMENT

Commissioner Gilzean and Commissioner Waldman disclosed that they are acquainted with some of the filers on the list.

Commissioner Gaetz, seconded by Commissioner Anchors, moved to approve the entry, as put forth by the Commission staff, of Final Orders on financial disclosure fines where there has been no timely appeal and no payment, as orally amended. By unanimous vote, the motion carried.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-8, F.A.C.

Assistant General Counsel Gray Schafer explained the changes in the CE Form 1, CE Form 1F, and CE Form 1X incorporated by reference in the rules being amended.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

Commissioner Carvajal, seconded by Commissioner Cummings, moved to adopt the proposed rule/form changes. By unanimous vote, the motion carried.

CONSIDERATION OF ADMINISTRATIVE MATTERS

COMMISSION BUDGET

Executive Director Kerrie Stillman elaborated on the Commission Budget breakdown previously provided to the Commissioners.

There was discussion.

INVESTIGATIONS

Executive Director Kerrie Stillman elaborated on the Investigation Timeline Chart previously provided to the Commissioners.

There was discussion.

CONSIDERATION OF 2022 LEGISLATIVE RECOMMENDATIONS

The Chair asked whether there was anyone present who wished to be heard as to proposed legislation. David Hodges, of Orange Park, was heard by the Commission.

Executive Director Kerrie Stillman explained that the Commission is statutorily required to make recommendations for legislation, and gave a brief explanation of the memo provided to Members.

There was discussion as to all of the items in the memo, as well as the possible penalties associated with the 6-year lobbying ban, which will become effective December 31, 2022.

Commissioner Anchors, seconded by Commissioner Gaetz, moved to support the 2022 Legislative Recommendations, grant Chair Leznoff and Vice Chair Grant authority to serve as legislative liaisons to speak on the Commission's behalf, with full support of the Legislature's setting of penalties associated with the 6-year lobbying ban should that be proposed. The motion was amended to include the Legislative recommendation pertaining to the temporary exemption to the four-hour training requirement applicable to CRA board members. By unanimous vote, the motion carried.

REPORTS

The Chair had no report.

Executive Director Kerrie Stillman elaborated on her written report previously provided to the Commissioners. She introduced new Commission Investigator Ana Sanchez. She also went over the Annual Fone Fun Day figures.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 11:35 a.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

JoAnne Leznoff, *Chair*

Date