

# EXECUTIVE DIRECTOR'S REPORT

**TO:** Members, Commission on Ethics

**FROM:** Kerrie Stillman  
Executive Director

**DATE:** October 4, 2023

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## ADVISORY OPINIONS

The Commission on Ethics did not issued an opinion at its July meeting. It has rendered 2,699 opinions since its inception in 1974.

## LITIGATION

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This was an appeal of Complaint No. 17-082. Oral argument occurred on August 16, 2023, with Joe Burns arguing on behalf of the Commission. On August 25, 2023, the Court affirmed the Commission's final order. The mandate issued on September 15, 2023, concluding the litigation. Joe Burns, Melody Hadley, and Steven Zuilkowski handled the appeal.

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 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.). All briefs are filed. Neither side requested oral argument. We now await the Court's ruling. Elizabeth Miller, Gray Schafer, and Steven Zuilkowski are handling the appeal.

USCA Case No. 23-12663, Garcia et al. v. Stillman et al. (11th Circuit Court of Appeals). The district court entered final judgment in favor of the Plaintiffs, finding that Article II, Section 8(f)(2), was an unconstitutional abridgement of free speech. The district court has enjoined the Commission from enforcing the provision on any public officer in the State. The Office of the Solicitor General has filed a Notice of Appeal of the final judgment. The Office of the Solicitor General has also filed a motion requesting a stay of the ruling as to all public officers in the State except Garcia, who was the only plaintiff found to have standing by the district court.

Case number 2023 CA 002016: Manes Pierre v. Commission on Ethics and Kerrie Stillman. Mr. Pierre originally filed this petition for writ of mandamus with the 5th DCA, case number 5D23-1388. The 5th DCA transferred it to the Circuit Court in and for Marion County, case number 2023-CA-2518. Judge Steven G. Rogers then ordered it transferred to the Circuit Court in and for Leon County. The case is currently assigned number 2023 CA 002016, with

Judge John C. Cooper presiding. On August 9, 2023, a Leon County Deputy Clerk of Court instructed Mr. Pierre to either pay the filing fee for his petition or submit his indigent paperwork within 60 days, or else the case may be dismissed. Joe Burns and Steven Zuilkowski are handling the matter.

## FINANCES

As of August 31, we've spent \$478,280 (14.27%) of our appropriation, with 16.67% of the FY gone.

## 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)  
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 3/15/23)  
Complaint No. 22-146, In re Jennie Blackburn (Final Order 4/26/23)  
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)  
Complaint No. 22-205, In re John Polinsky (Final Order 8/2/23)  
Complaint No. 15-085, In re Colleen Reilly (Final Order 9/13/2023)  
Complaint No. 21-229, In re Eddie Martinez (Final Order 9/13/2023)  
Complaint No. 22-065, In re Oren Miller (Final Order 9/13/2023)

#### 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)  
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)