

# EXECUTIVE DIRECTOR'S REPORT

**TO:** Members, Commission on Ethics

**FROM:** Kerrie Stillman   
Executive Director

**DATE:** August 24, 2023

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## ADVISORY OPINIONS

The Commission on Ethics issued one opinion at its June meeting. It has rendered 2,699 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. All briefs have been filed. Oral argument occurred on August 16, 2023, with Joe Burns arguing on behalf of the Commission. We now await the Court's ruling. 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.). 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.

Case 1:22-cv-24156, Garcia et al. v. Stillman et al. (United States District Court Southern District of Florida & 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 moved to dismiss our appeal of the preliminary injunction in 11th Circuit Court of Appeals as moot, but have now 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.

## **FINANCES**

As of July 31, we've spent \$300,938.53 (11.51%) of our appropriation, with 8.33% of the FY gone. We are expecting administered funds for the across-the-board increases that took place July 1. Once that is fully funded in the budget, we will be in alignment with our appropriation.

## **STAFF**

It's always nice when a member of staff is recognized for their work and the level of service they provide to public officers and employees. We recently received an email from someone who had occasion to work with Joe on a revolving door/lobbying ban issue. The email is attached to this report. Kudos to Joe!

## **PUBLIC SPEAKING ENGAGEMENTS**

Gray provided a one-hour training by Zoom on July 26 to the Florida Association of Constitutional Officers concerning updates to the ethics laws. On August 11, he provided a one-hour training by Zoom to Administrative Law Judges and Judges of Compensation Claims concerning the bribery statutes, the gift law, and the expenditure ban.

On August 11, Steve and Kerrie presented at the Florida League of Cities conference to a standing-room-only session about the recent changes to law requiring the filing of Form 6 instead of Form 1 by city commissioners and mayors beginning in 2024. The presentation also included a comparison of the information required by the forms.

On August 28, Joe will provide a one-hour training to Escambia County employees on the Florida's gifts law and other aspects of the Code of Ethics.

Kerrie will conduct a 2-hour virtual presentation on the ethics laws to the Association of Inspectors General meeting on August 30.

## **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 Andreama 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 3/15/23)  
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)  
Complaint No. 22-205, In re John Polinsky (Final Order 8/2/23)

#### 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-G,ENERATED 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)

## Stillman, Kerrie

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**From:** Zuilkowski, Steven  
**Sent:** Monday, August 21, 2023 3:32 PM  
**To:** Stillman, Kerrie  
**Cc:** Burns, Joseph  
**Subject:** FW: Thank you!

Kudos for Joe!

**From:** Erin <erinsgillespie@gmail.com>  
**Sent:** Monday, August 21, 2023 3:27 PM  
**To:** Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>  
**Cc:** joseph.burns@leg.state.fl.us  
**Subject:** Thank you!

Good afternoon Mr. Zuilkowski,

I just wanted to reach out and to tell you how helpful Mr. Burns was to me last week. I had a question based on the lobbying ban and current/future employment.

Mr. Burns was able to take my info, research the question and come back to me with an answer within 24 hours. It was even the answer I was hoping for! But even if not, it would have resolved a question about potential future employment.

I just wanted to reach out and say how helpful he was and responsive to my question. I was a little frantic about not being able to find the answer and he provided me the statute numbers and all the info needed.

Thank you for leading a team that is so responsive and helpful to citizens of the state of Florida!

Erin Gillespie