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## PRESS RELEASE

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TALLAHASSEE—December 6, 2023—Meeting in Tallahassee on December 1<sup>st</sup> in closed session, the Florida Commission on Ethics took action on 42 matters, Chair Ashley Lukis announced today. Eleven of those matters were complaints considered for probable cause. A finding of probable cause is not a determination that a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

The Commission considered a complaint against Fernandina Beach City Commissioner **DANIEL STURGES**. The Commission found no probable cause to believe he had a voting conflict when he voted on a measure concerning litigation involving a city-owned building. The building was subleased to a café that employs an individual who co-owns the building with Mr. Sturges. An additional allegation Mr. Sturges misused his position to terminate the City Manager over concerns about documents related to the

insurance policy obtained by the café, in connection with its lease on City property, also was dismissed with a finding of no probable cause.

The Commission found probable cause to believe that **JOHN MEISEL**, West Villages Improvement District Board of Supervisors member (WVID), had a continuing or frequently recurring conflict of interest. Mr. Meisel attended and participated in a meeting of the board of directors of the Gran Paradiso Property Owners Association (POA) weeks after receiving a legally binding opinion from the Ethics Commission advising him that his service on the WVID while simultaneously serving as a member of the board of directors of the POA created a conflict of interest. However, the Commission will take no further action on the allegation unless Mr. Meisel requests a hearing. No probable cause was found on an additional allegation that Mr. Meisel had a prohibited conflict of interest when he sent an email to the POA board offering the WVID liability insurance policy as a mechanism for reimbursement to the POA for damages and attorney's fees because the information was obtained in his private capacity.

Probable cause was found to believe that **CYNTHIA MCINTYRE**, Supervisor of the Cory Lakes Isles Community Development District (CDD), misused her public position by using her official CDD email to send an email endorsing her preferred candidates for the upcoming homeowners association election. However, the Commission will take no further action on the allegation unless Ms. McIntyre requests a hearing.

An ethics complaint against Crescent City Mayor **MICHELE MYERS** was dismissed with a finding of no probable cause to believe she misused her position by signing a check to reimburse another City Commissioner for legal fees incurred during

the defense of a voter requested recall petition, without the approval of the City Commission.

The Commission found probable cause to believe that **DAVID LAW**, Former Chairman of the Board of Supervisors of the Coquina Water Control District (District), failed to follow disclosure requirements after abstaining on an April 2023 vote. The Commission also found probable cause to believe that he violated the anti-nepotism law when he advocated for his son to be hired by the District. Allegations Mr. Law violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position for the benefit of his son, resulted in a finding of probable cause.

No probable cause was found to believe former North Miami Beach City Manager **ARTHUR H. SOREY, III**, violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position when charged a meal to the City's purchasing card when he already received per diem for the meal, prior to travelling. Additional allegations that Mr. Sorey failed to timely file his 2022 Form 1 and 2023 Form 1F were dismissed with a finding of no probable cause.

An ethics complaint against former Crescent City Planning and Zoning Commission Member **TRACY ECKHARDT** was dismissed with a finding of no probable cause. The Commission found no probable cause to believe Eckhardt violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused her position to acquire City utility information for several properties within the City and then use the information as a basis for filing voter challenges in a recall election. An allegation she used her public position to obtain privileged information for use in the recall election resulted in a finding of no probable cause.

In a complaint filed against **JAMES UTHMEIER**, former Chief of Staff in the Executive Office of the Governor, the Commission found no probable cause to believe Mr. Uthmeier misused his position to have employees and officials in the administration solicit campaign funds for Governor DeSantis's Presidential campaign.

In a related complaint, no probable cause was found to believe **STEPHANIE KOPELOUSOS**, former Legislative Affairs Director in the Executive Office of the Governor, misused her position to solicit endorsements for Governor DeSantis's Presidential Campaign.

In a complaint filed against **CARL ZALAK, III**, Marion County Commissioner, the Commission found no probable cause to believe Mr. Zalak misused his position to terminate the employment of a county inspector after the inspector was involved in an altercation following a failed residential inspection. An investigation of **TRACY STRAUB**, Marion County Assistant County Administrator, also resulted in a finding of no probable cause.

The Commission reviewed 31 complaints for legal sufficiency. These reviews are limited to questions of jurisdiction and determinations as to whether the contents of the complaint are adequate to allege a violation of the Code of Ethics or other laws within the Commission's jurisdiction. As no factual investigation precedes the reviews, the Commission's conclusions do not reflect on the accuracy of the allegations made in these complaints. The Commission dismissed the following complaints for lack of legal sufficiency: **MICHAEL T. TWITTY**, Pinellas County Property Appraiser; **DAVID SCHULSON**, Broward County Assistant State Attorney; **MARTY LAWING**, Fort Myers City Manager; **WESLEY GRIFFIN**, Washington County Commissioner; **ELIZABETH VOSS**, Polk County Assistant County Attorney; **JOHN HAAS**, Adjutant General of the

Florida National Guard; **ROBERT CARRUTHERS**, Assistant Adjutant General of the Florida National Guard; **RYAN GILL**, Chairman of the Board of Supervisors for the Hillsborough Soil and Water Conservation District; **RICHARDO GRAY**, Clay County Sheriff's Office Detention Deputy; **JACOB SPOONER**, Bradenton Beach City Commissioner; **TODD SAMPSON**, Lake City Councilperson; **STEPHEN WITT**, Lake City Mayor; two complaints filed against **RICKY JERNIGAN**, Lake City Councilperson; **TODD KENNON**, Lake City Attorney; **ROBERT NIXON**, Quincy City Manager and Chief Executive Officer; **DAVID GLADDING**, Union County Deputy Sheriff; **BRANDI GABBARD**, St. Petersburg City Councilmember; **RICHIE FLOYD**, St. Petersburg City Councilmember; **CHARLIE BISHOP**, Manatee County Acting County Administrator; **MARK GREGG**, Islamorada Village Council; **MIKE RAHN**, Manatee County Commissioner for District 4; **JAMEY KING**, Cross City Chief of Police; **DAVID HAZELLIEF**, Okeechobee County Commissioner; **DEBORAH MANZO**, Okeechobee County Administrator; **ALLYSON BERRY**, Leesburg City Commissioner; **CHRIS FOREHAND**, First Judicial Circuit State Attorney's Office Investigator; **JOSEPH FILIPPELLI**, Sarasota-Manatee Airport Authority Senior Vice President for Real Estate Development and Properties; **ROBERT OCH**, Heritage Landing Community Development District Assistant Secretary and Board of Supervisor; **TERESA GRANGER**, Otter Creek Mayor; and **CARMINE MARCENO**, Lee County Sheriff.

### **PUBLIC SESSION**

During its public session meeting, the Commission took final action and adopted a Joint Stipulation between former Greater Ft. Lauderdale Convention and Visitors Bureau's (CVB) Vice President of Convention Sales **CHRISTINE ROBERTS** and the

Commission Advocate. The Commission voted to enter a final order finding Ms. Roberts had a conflicting employment or contractual relationships while employed with the CVB. A total civil penalty of \$1,500 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission adopted a settlement agreement between former St. Augustine Beach Commissioner, **ERNESTO TORRES** and the Commission Advocate. The agreement finds Mr. Torres violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and misused his public position for his and his wife's benefit when he interfered with a DUI traffic stop involving his wife. The Commission recommended a total civil penalty of \$4,000 and public censure and reprimand for imposition by the Governor

The Commission granted the Advocate's Motion to Dismiss a complaint filed against City of West Palm Beach Mayor **KEITH JAMES**. The Advocate sought the dismissal on the basis that after conducting additional discovery in preparation for a hearing, there was insufficient evidence to support a violation of the law.

The Commission also voted to grant the Advocate's Motion to Dismiss a statutorily required, self-initiated investigation concerning a willful failure to file a 2016 Form 1 Statement of Financial Interests by **MARY C. ESTIME-IRVIN**, former North Miami Board of Adjustment Member, former North Miami Personnel Board Member, and former North Miami Community Redevelopment Agency Advisory Committee Member. The motion was granted on the basis that Ms. Estime-Irvin no longer serves in her appointed positions.

The Commission adopted an advisory opinion requested by a School Board Member (Member). The opinion indicates that a sole source exemption is applicable

such that Member would not have a prohibited conflict of interest were the School Board to purchase property from a credit union, where the Member serves on the Credit Union's Board of Directors and where several other School Board Members do business and hold accounts. The exemption would also apply if a School Board employee were to sell a particular parcel of real property to the School District.

A formal opinion adopted by the Commission provides guidance to a Member of the Commission on Ethics regarding the financial disclosure requirements for reporting the requestor's interest as a grantor and beneficiary in trusts on Form 6 "Full and Public Disclosure of Financial Interests."

Contact the Commission's office to obtain rulings on appeals of automatic fines imposed for late submission of financial disclosure reports submitted by public officers and employees. (Item VIII. on the December 1 meeting agenda, posted on the Commission's website.)

The Florida Commission on Ethics is an independent nine-member commission formed in 1974 to review complaints filed under the statutory Code of Ethics and to answer questions from public officials about potential conflicts of interest through its issuance of advisory opinions.

If the Ethics Commission believes a violation of the law may have occurred, it may decide to hold a public hearing. If it concludes a violation has been committed, it may recommend civil penalties including removal from office or employment and fines up to \$10,000 per violation.<sup>1</sup>

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<sup>1</sup> Conduct occurring after May 11, 2023, will be subject to a recommended civil penalty of up to \$20,000. [Ch. 2023-49, Laws of Florida.]