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PRESS RELEASE

For Immediate Release
January 31, 2024

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TALLAHASSEE—January 31, 2024—Meeting in Tallahassee on January 26th in closed session, the Florida Commission on Ethics took action on 24 matters, Vice Chair Michelle Anchors announced today. Seven of those matters were probable cause hearings. 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 two complaints against former North Miami Beach Commissioner **PAULE VILLARD**. In the first complaint, the Commission found probable cause on four allegations. The allegations were that she violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused her position by using City property or resources while recording Facebook live videos for her Facebook followers. In addition, allegations she failed to complete the statutorily-

required ethics training for calendar year 2021 and failed to certify the training on her 2021 Form 1 resulted in a finding of probable cause. No probable cause was found on two allegations that she violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused her position by having an on-duty City police officer transport her in a City vehicle to multiple locations and events. The second complaint contained similar allegations that she violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused her position were dismissed with a finding of no probable cause: having an on-duty City police officer transport her in a City vehicle to multiple locations and events; using a city-issued credit card to attend the funeral of an activist for the Haitian community; and using City funds to pay for a trip to Haiti, were dismissed with a finding of no probable cause. No probable cause was found to believe she failed to timely file her CE Form 1F, "Final Statement of Financial Interests," within 60 days of leaving office.

The Commission found probable cause to believe that **MARK ST. VIL**, North Miami Beach Planning and Zoning Board Member, violated the financial disclosure laws by failing to file a 2020 CE Form 1, "Statement of Financial Interests." However, the Commission elected to take no further action on the allegation due to the particular circumstances of the matter.

The Commission considered a complaint against Polk County School Board Member **LORI CUNNINGHAM**. The Commission found probable cause Ms. Cunningham had a conflicting contractual relationship that created a continuing or frequently recurring conflict between her private interests and the performance of her public duties when a company she owns sold uniforms to Lake Wales Charter Schools. Allegations that she

violated ethics laws by doing business with her agency were dismissed with a finding of no probable cause.

BRENT WALTER LATHAM, North Bay Village Mayor, was cleared of charges that he misused his position to file a complaint with the Florida Bar against the former North Bay Village Attorney.

No probable cause was found to believe Manatee County Commissioner **KEVIN VAN OSTENBRIDGE**, violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position by using his County purchasing card to purchase an email database of registered voters in his district so that he could to send them a government activities newsletter.

Probable cause was found to believe that **DANIEL STURGES**, Fernandina Beach City Commissioner, violated the voting conflict law by his failure to state the nature of his voting conflict and then file, within 15 days, the required Memorandum of Voting Conflict (Form 8B) when he abstained from a vote to authorize the City Attorney to defend him in a prior ethics complaint. However, the Commission elected to take no further action on the allegation due to the particular circumstances of the matter.

The Commission reviewed 17 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: **BETTY SHANNON**, Florida Bureau of Vital Statistics Program Administrator; **DAVID OSTEN**, Dixie County Commissioner; **BRITTNI BROWN**,

Greenville Mayor; **LEE JONES**, Greenville Town Manager/CEO; **CYNTHIA MCINTYRE**, Cory Lakes Isles Community Development District Board of Supervisors member; **AUDRA BOSLER**, Pinellas County Sheriff's Office Child Protection Investigator; two complaints against **BEVERLY NASH**, Quincy City Manager; **MARLEN MARTELL**, Pembroke Park Town Clerk; **CAMERON MAY**, Jupiter Town Council Member; four complaints against **CYNTHIA BURTON**, Crescent City Commissioner; **FRANCIS XAVIER SUAREZ**, Miami Mayor; **BRANDON ARRINGTON**, Osceola County Commission; and **MICHAEL ANTHONY MORAN, JR.**, Sarasota County Commissioner.

PUBLIC SESSION

During its public session meeting, the Commission took final action and adopted a Joint Stipulation between former General Counsel for Florida Virtual School (FLVS) **FRANK KRUPPENBACHER** and the Commission Advocate. The Commission voted to enter a final order finding Mr. Kruppenbacher misused his position to require FLVS employees to perform work and personal services for the benefit of himself, his family members, and/or his private business and clients. A total civil penalty of \$5,000 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission adopted a settlement agreement between Noma Town Council member, **ANEALA BEACHUM** and the Commission Advocate. The agreement finds Ms. Beachum had a conflicting contractual relationship that created a continuing or frequently recurring conflict between her private interests and the performance of her public duties when she rented a duplex owned by the City to operate her two private businesses out of the space. The Commission recommended a total civil penalty of \$2,500 and public censure and reprimand for imposition by the Governor.

A settlement between **DAVID LAW**, former Chairman of the Board of Supervisors of the Coquina Water Control District (District), and the Commission Advocate was adopted. The agreement finds that he failed to follow disclosure requirements after abstaining on an April 2023 vote, violated the anti-nepotism law when he advocated for his son to be hired by the District, and that he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit, and misused his position for the benefit of his son. The Commission recommended a total civil penalty of \$4,250 and public censure and reprimand for imposition by the Governor.

The Commission adopted an advisory opinion requested by a Lee Memorial Health System Board of Directors member. The opinion indicates that Board of Directors members will have a voting conflict if they vote to convert their independent special district to a nonprofit entity and intend to serve on the Board of Directors of that nonprofit entity. However, legislation provides specific guidance pertaining to the handling of that particular vote. While Board members must still comply with the other requirements of the voting conflict law, by orally stating the conflict and filing a Form 8B within 15 days of the vote, the member would be permitted to vote on the measure. Additional guidance was provided on whether participating in the vote would constitute a disproportionate benefit prohibited by Article II, Section 8(h)(2) of the Florida Constitution.

The Commission adopted an advisory opinion requested by the Director of the Jacksonville Office of Ethics, Compliance, and Oversight on behalf of a Jacksonville City Councilman. The opinion indicates that a sole source exemption is applicable such that Councilman would not have a prohibited conflict of interest if his company were to provide sports lighting installation services under the Councilman's personal

professional license, pursuant to a subcontract with a third party with which the City has contracted.

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 VI. on the January 26 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.¹

¹ 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.]