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PRESS RELEASE

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TALLAHASSEE—June 12, 2024—Meeting in Tallahassee on June 7th in closed session, the Florida Commission on Ethics took action on 37 matters, Vice Chair Michelle Anchors announced today. Fifteen 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.

In a referral from the Florida Department of Law Enforcement, the Commission voted to find probable cause that former St. Lucie County Sheriff **KEN MASCARA** misused his position and official resources to assist a campaign in order to prevent a particular candidate from running against him in the general election. An allegation he

used confidential information obtained because of his public position for his personal benefit or to benefit someone else was dismissed with a finding of no probable cause.

No probable cause was found to believe Eatonville Community Redevelopment Agency Chairman of the Board of Directors **ANGIE GARDNER** misused her position when she carried out the terms of a contract to issue a severance payment to the former Executive Director of the Town of Eatonville Community Redevelopment Agency.

The Commission considered a complaint filed against Palm Coast Mayor **DAVID ALFIN**. No probable cause was found to believe Mr. Alfin had a voting conflict that would inure to the special private gain or loss to a business associate when he voted on a measure establishing a Community Development District.

The Commission considered two complaints filed against Panama City Mayor **MICHAEL X. ROHAN**. In the first complaint, the Commission found probable cause on two allegations. The allegations were that he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position to sexually harass a city employee. The second complaint contained allegations that he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position when he attempted to repurpose a legislative appropriation the City had been awarded for sidewalks, even though he had been told by legislative officials that the appropriation could not be repurposed. Probable cause was found on both allegations.

No probable cause was found to believe Eatonville Community Redevelopment Agency (ECRA) Board of Directors Member **THEODORE WASHINGTON** misused his position to issue a severance payment to the former Executive Director of the ECRA.

The Commission found no probable cause to believe that **FRANK A. NICK**, former Walton County Commissioner, violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and misused his position when used his state purchasing card to pay for travel to multiple conferences.

The Commission considered a complaint against Bonifay Mayor **LARRY COOK**. No probable cause was found to believe Mr. Cook had a prohibited business relationship by his tire company doing business with the City or by having a business relationship with an entity doing business with the City. No probable cause was found on an allegation he misused his position when he unilaterally fired the Police Chief without consideration from the other Council members.

The Commission rejected the recommendation of its advocate and found no probable cause on three allegations that former Escambia County Commissioner **DOUGLAS UNDERHILL** failed to file accurate 2019, 2020, and 2021 Form 6 disclosures. No probable cause also was found on an allegation that he failed to timely file his 2022 Form 6F, Final Statement of Financial Interests.

In a complaint filed against Apopka Mayor **BRYAN NELSON**, the Commission found no probable cause to believe Mr. Nelson violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position regarding the termination of the City Attorney. In addition, an allegation that he used

City resources to hold meetings for a non-profit foundation was dismissed with a finding of no probable cause.

The Commission considered two complaints against Columbia County Commissioner **ROCKY FORD**. In the first complaint, the Commission found probable cause Mr. Ford failed to file accurate 2022 Form 6 disclosure. However, the Commission elected to take no further action on the allegation due to the particular circumstances of the matter. The second complaint contained allegations related to a construction company owned by Mr. Ford, that was attempting to develop a subdivision in a City within his County. The allegations were: that he had a contractual relationship with an entity doing business with the County; that he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit; and that he misused his position. No probable cause was found for all three allegations.

No probable cause was found to believe Riviera Beach City Councilman **DOUGLAS LAWSON** solicited or accepted candidate financial support and promises of employment, based upon an understanding that he would vote for proposed land use and rezoning ordinances. The Commission also found no probable cause to believe he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position regarding the same allegations.

The Commission considered a complaint against Crescent City Mayor **MICHELE MYERS**. It was alleged that Ms. Myers misused her position to suggest a CRA grant program be used to incentivize a local business owner to run against her political opponent. No probable cause was found on the allegation.

The Commission found no probable cause to believe that **CLINT SMITH**, Palm Coast Planning and Land Development Review Board Chairperson, owned a consulting firm that had a contractual relationship with the Palm Coast Planning and Land Development Review Board or the City. An allegation he had a conflicting employment or contractual relationship also was dismissed with a finding of no probable cause.

The Commission reviewed 22 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: **MICHELLE SALZMAN**, Member of the Florida House of Representatives; **TRADRICK MCCOY**, Rivera Beach City Councilmember; **JULIE BUJALSKI**, Dunedin Mayor; **FRED TRICKER**, Walton County Planning Commission; **BILL BRASWELL**, Polk County Commission; **RODNEY HARRIS**, Miami Gardens Mayor; **LINDA JULIEN**, **REGINALD LEON**, and **ROBERT STEPHENS**, Miami Gardens City Commissioners; **CAM BENSON**, Miami Gardens City Manager; **MARIO BATAILLE**, Miami Gardens City Clerk; **ALFRED JEROME FLETCHER, II**, North Port City Manager; **JOSEPH A. CATIGANO**, Oak Hill City Commissioner; **TIM COUTE**, Pasco County Chief Deputy Tax Collector; **KENNETH A. VOGEL**, Candidate for Orange Park Town Council; **LUIS ROSADO**, Florida Department of Corrections Senior Correctional Probation Officer; **TOM WRIGHT**, Member of the Florida Senate; **HOYT LAMB, JR.**, Suwannee Water and Sewer District; **MAGGIE MOONEY**, Longboat Key Code Enforcement Officer;

CHRISTOPHER KOPP, Longboat Key Code Enforcement Officer; **JORDAN MARLOWE**, Newberry Mayor; and **SEBRENA THOMAS**, Highlands County Clerk of Courts Probate Supervisor and Manager.

PUBLIC SESSION

During its public session meeting, the Commission took actions on appeals of automatic fines assessed for late submission of financial disclosure reports submitted by public officers and employees. Contact the Commission's office to obtain rulings (Item IV on the June 7 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.]