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PRESS RELEASE

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TALLAHASSEE—March 13, 2024—Meeting in Tallahassee on March 8th in closed session, the Florida Commission on Ethics took action on 26 matters, Chair Ashley Lukis announced today. Thirteen 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 a complaint against Fort Pierce City Commissioner and member of the Fort Pierce Redevelopment Agency (FPRA) **JEREMIAH JOHNSON**. The Commission found no probable cause on three allegations. The allegations were that he violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit, misused his position, and voted on matters that would have inured to his or another's special private gain during the selection of an

engineering firm for the "Fisherman's Wharf project." He supported the top two recommended proposers which included a company that would employ him in the future. In addition, a restaurant owned by his wife's family was located within the boundaries of the Fisherman's Wharf project and could be impacted.

The Commission found no probable cause to believe that **JOHN LUCZYNSKI**, West Villages Improvement District Board of Supervisors Member, violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and misused his position to secure a benefit for his employer by setting water rates and fees for the district. Allegations Mr. Luczynski had a conflicting employment or contractual relationship between his private employment and his public duties and that he failed to disclose a voting conflict or file a voting conflict memorandum as required by law were dismissed with a finding of no probable cause. No probable cause also was found on identical allegations in related complaints filed against **STEVE LEWIS, THOMAS BUCKLEY**, and **CHRISTINE MASNEY**, West Villages Improvement District Board of Supervisors Members.

Probable cause was found to believe that **JACK L. MCLEAN, JR**, former Quincy City Manager, had a conflicting contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties when he personally loaned a City Commissioner \$20,000. 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 the former Mayor of Otter Creek **THERESA GRANGER**. The Commission found no probable cause to believe Ms. Granger violated the constitutional amendment prohibiting abuse of office to obtain a

disproportionate benefit, misused her position, and used information not available to the general public for her personal benefit or to benefit someone else when she invited a friend to the Town Office and allowed them access to records.

The Commission considered a complaint against the Miami Mayor **FRANCIS XAVIER SUAREZ**. No probable cause was found on three allegations related to events Mr. Suarez attended during the Miami Grand Prix. The allegations were that Mr. Suarez solicited or accepted something of value based upon an understanding that he would be influenced in his official capacity, accepted prohibited gifts from a vendor, lobbyist, or the principal lobbyist of the City, and that he failed to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure.

The Commission found no probable cause to believe that **MARLON BOLTON**, Tamarac City Commissioner, violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit, misused his position, and voted on matters that would have inured to his or another's special private gain or loss by voting for the City's purchase of 2.53 acres of property from Shaker Village. Mr. Bolton resides in Shaker Village and the church where he holds the position of Senior Pastor is also located there.

No probable cause was found to believe that Lake City Clerk **AUDREY SIKES** violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and misused her position when she placed a resolution on the agenda to rescind the appointment of a resident to the City's Planning and Zoning Board and that she subsequently lied about her response to a request to remove the resolution from the City Council meeting agenda.

No probable cause was found to believe former Punta Gorda City Councilmember **MARK KUHARSKI**, violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and misused his position by using a City social media page to make election-related posts about his opponent.

In a referral from the Florida Department of Law Enforcement, the Commission voted to find no probable cause to believe Citrus County Commissioner **DIANA FINEGAN** violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and misused her position when she sought neighbors' support of her County application for a gate at the entrance to her property. It was alleged Ms. Finegan attempted to gain the support of her neighbors by suggesting she would support their applications if they came before the Commission. An allegation she solicited or accepted something of value, based upon an understanding that she would be influenced in her official capacity also was dismissed with a finding of no probable cause. Likewise, the Commission found no probable cause to believe Ms. Finegan accepted a thing of value given to influence her vote or official action.

The Commission reviewed 14 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: **ROBERT FIPPS**, Union County Deputy Sheriff; **JENNIFER MARCOUX**, Florida Highway Patrol Lieutenant; **CYNTHIA MCINTYRE**, Cory Lakes Isles Community Development District Supervisor; **MAC JOHNS**, Union County Commissioner; **ANNE**

GERWIG, Village of Wellington Mayor; **GEORGE M. LINDSEY, III**, Polk County Commissioner; two complaints against **JORGE LUIS CASTILLO**, Cory Lakes Isles Community Development District Supervisor; **ANTONIO JEFFERSON**, Midway City Manager Consultant; **MORRIS RAYMER**, Bayshore Gardens Park and Recreation District Board of Trustees Chair; **RICHARD RAMSAY**, Monroe County Sheriff; **JOE AYOUB**, Safety Harbor Mayor; **SALLY DICKSON**, University Park Recreation District Chair; and **DEBBIE MAYFIELD**, member of the Florida Senate.

PUBLIC SESSION

During its public session meeting, the Commission considered the settlement agreement between the former Palm Beach County Fire Rescue Battalion Chief, **BRIAN MULLIGAN**, and the Commission Advocate. The Commission took final action, finding Mr. Mulligan misused his position and official resources to charge subordinate employees for classes to help them pass the Captain's promotional exam and that the classes created a conflicting employment or contractual relationship between his private interests and his public duties. A civil penalty of \$2,000 will be recommended to the Governor for imposition.

The Commission adopted a settlement agreement between Hendry County School Board Member, **STEPHANIE BUSIN** and the Commission Advocate. The agreement finds Ms. Busin abused her position to obtain a disproportionate benefit and misused her public position when she distributed her campaign materials on school property. A total civil penalty of \$3,000 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission took final action and adopted a Joint Stipulation entered into between the Commission Advocate and **MARK CAGNI**, a member of the Building/Flood

Board of Adjustments and Appeals for the City of Clearwater. The Commission adopted the agreement finding he willfully failed to timely file his 2018 Form 1. His removal from his public office will be recommended to the Governor for imposition.

A settlement between the Commission Advocate and **ANGELA HOUGH**, a member of the Moore Haven Mosquito Control District was adopted by the Commission. The agreement sets forth that she willfully failed to timely file her 2018 CE Form 1 disclosure. Her removal from her public office will be recommended to the Governor for imposition.

The Commission found probable cause to believe that **JONATHAN L. OWENS**, former Legislative Aide to Escambia County Commissioner Douglas Underhill, used information available to him and gained only by reason of his official position when he released unredacted cell phone data containing text messages regarding County business and private text messages to an individual who had ongoing litigation with the County.

The Commission adopted an advisory opinion requested by an attorney associated with a firm that was hired to provide legal services for three cities in Florida. The opinion indicated that the positions held would not be included in the list of persons required to file a CE Form 1, Statement of Financial Interests, with the Commission.

In another opinion, the Commission provided guidance regarding the financial disclosure requirements on CE Form 1, Statement of Financial Interests, when the requestor is the beneficiary of an irrevocable trust that contains indirectly-owned real property and interests in specified businesses.

Contact the Commission's office to obtain rulings on appeals of automatic fines assessed for late submission of financial disclosure reports submitted by public officers

and employees. (Item IX. on the March 8 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.]