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TALLAHASSEE— October 26, 2022—Meeting in Tallahassee on October 21 in closed session, the Florida Commission on Ethics took action on 32 matters, Chair John Grant announced today. Eight of those matters were 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.

Probable cause was found to believe former Orange County Firefighter **JOHN CAPPS** misused his position to be paid for time he did not actually work.

The Commission considered a complaint filed against Charlotte County Clerk of Court **ROGER EATON**. No probable cause was found to believe Mr. Eaton violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit or that he misused his position to direct staff to delete texts. Additional allegations that Mr. Eaton, by accepting a fruit basket from an attorney, violated the constitutional

amendment prohibiting abuse of office to obtain a disproportionate benefit, misused his position, solicited or accepted something of value based upon an understanding his official action would be influenced or accepted a thing of value when he knew or should have known it was being provided to influence him were dismissed with a finding of no probable cause.

The Commission found probable cause to believe City of Hallandale Beach Commissioner **MICHELE LAZAROW** violated Florida's financial disclosure laws by failing to properly disclose a personal liability of legal fees on her 2019 Form 1 disclosure. Allegations Ms. Lazarow failed to report contributions towards her legal fees on 2019, 2020, and 2021 Form 9, quarterly gift disclosures resulted in a finding of probable cause. However, the Commission elected to take no further action on all four probable cause findings based on the particular circumstances of the matter. No probable cause was found on an allegation related to Ms. Lazarow's 2020 Form 1 disclosure.

Probable cause was found to believe Sixteenth Judicial Circuit State Attorney **DENNIS WARD** failed to properly disclose land on his 2020 Form 6X. However, prior to the complaint being filed, he amended the disclosure to disclose the property, so the Commission elected to take no further action.

The Commission found no probable cause to believe Brevard County Commissioner **CURT SMITH**, solicited the use of a charter bus from a lobbyist to transport himself, co-workers and friends to an event in West Palm Beach. An allegation he accepted the charter when he knew or should have known it was given to influence him was dismissed with a finding of no probable cause.

The Commission considered a complaint filed against Dixie County Commissioner **JODY STEPHENSON**. No probable cause was found to believe he violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit or that he misused his position when he confronted the complainant about parking an RV on a parcel of property or by giving the complainant his personal business card.

After reviewing the results of a self-initiated investigation – required by statute – the Commission found no probable cause to believe **ALEXANDER TOMMIE**, St. Lucie County Board of Adjustments member, willfully failed to timely file his 2018 Form 1.

In another self-initiated investigation – required by statute – the Commission found no probable cause to believe that **GUILLERMO MARIN**, Haines City Planning Commissioner, willfully failed to timely file his 2018 Form 1.

Another self-initiated investigation – required by statute – to determine if **ANDRE MAURICE PEREZ**, Department of Health Board of Medicine member and CareerSource South Florida Board of Directors member, willfully failed to timely file his 2018 Form 1 disclosure, was dismissed by the Commission. Mr. Perez previously filed a financial disclosure appeal with the Commission that resulted in the maximum automatic fine of \$1,500 being rescinded. The \$1,500 maximum fine is necessary to invoke and maintain the Commission's jurisdiction; therefore, the Commission on Ethics dismissed the matter based upon the lack of jurisdiction to proceed.

The Commission reviewed 24 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: **DERRICK DIGGS**, Fort Myers Chief of Police; **LEE CHRISTINE YOUNG**, Representative James Vernon Mooney's Legislative Assistant; **CAROLINA SANCHEZ**, Miami-Dade Assistant State Attorney; **DIANET TORRES**, Miami-Dade Assistant State Attorney; **JONATHAN RIVERAS**, Miami-Dade Assistant State Attorney; **DARIEN RODRIGUEZ**, South Miami Police Officer; **PAUL ADAMCZYK**, Putnam County Commissioner; **JEFFREY ROSE**, Town of Surfside Vice-Mayor; **PATRICK HART**, Boynton Beach Code Compliance Officer; **VANESSA GEORGE**, Town of White Springs Town Manager; **ANITA T. RIVERS**, Town of White Springs Mayor; **MARY H. BERRY**, Town of White Springs Town Council; **NICOLE B. WILLIAMS**, Town of White Springs Town Council; **JACQUELINE T. WILLIAMS**, Town of White Springs Town Council; **LARITA MCCALLUM**, Town of White Springs Town Council; **MICHAEL MAURER**, Harbor Bay Community Development District in Hillsborough County Supervisor; **JOHN LYON BROLING**, Alachua County Assistant Regional Counsel; **BRIAN C. RODGERS**, Alachua County Assistant State Attorney; **MATTHEW W. LANDSMAN**, Alachua County Assistant Public Defender; **SOPHIA LACAYO**, Candidate for Miami-Dade County Commission; **RENIER DIAZ DE LA PORTILLA**, Candidate for Miami-Dade County Judge; **RON DESANTIS**, Governor for the State of Florida; **KATHERINE WALDRON**, Port of Palm Beach Commissioner.

PUBLIC SESSION

During its public session meeting, the Commission considered the Recommended Order of an Administrative Law Judge (ALJ) from the Division of

Administrative Hearings (DOAH) in a complaint filed against **JEFFREY M. SISKIND**, former Candidate for Attorney General. The Commission took final action and adopted the recommendation of the ALJ finding Mr. Siskind did not violate the law by filing an inaccurate 2017 Form 6 when he qualified for office.

The Commission took final action on a complaint against Escambia County Board of County Commissioner **DOUGLAS UNDERHILL**. The Commission entered a final order regarding the Recommended Order of an Administrative Law Judge (ALJ) from the Division of Administrative Hearings (DOAH). The Commission found that Mr. Underhill disclosed confidential documents only available to him as a public officer and gained by reason of his official position; solicited donations through a GoFundMe page from a vendor, lobbyist or principal of a lobbyist of the County; accepted prohibited donations to his personal legal defense fund from a vendor, lobbyist or the principal lobbyist of the County; and failed to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure. For the violations, the Commission voted to recommend a total civil penalty of \$35,000, plus public censure and reprimand, and removal from office. The penalty will be recommended for imposition by the Governor.

The Commission granted a request to withdraw a Joint Stipulation between former City of Bonifay City Council member/Vice-Mayor **ROGER BROOKS** and the Commission Advocate, entered into prior to a finding of probable cause. The Commission then held a probable cause hearing and found probable cause to believe Mr. Brooks violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit and that he misused his position when he called an on-duty City employee to come to his home to place a Christmas tree on a shelf. However, the

Commission elected to take no further action on the probable cause findings based on the particular circumstances of the matter.

The Commission considered a settlement agreement entered into between the Commission Advocate and former Pahokee City Manager, **CHANDLER WILLIAMSON**. Mr. Williamson admitted that he misused his city-issued credit card to make personal purchases that were contrary to the City's credit card policies. A civil penalty of \$4,500 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission adopted a settlement agreement between the Commission Advocate and Destin City Council member **RODNEY J. BRADEN**. The agreement finds Mr. Braden violated Florida's financial disclosure laws by filing inaccurate 2017, 2018, 2019 and 2020 Form 1 financial disclosures. The Commission recommended a civil penalty of \$3,000 be imposed by the Governor.

Another settlement agreement, in a complaint against **ROBIN HATCHER**, Bristol City Clerk, finds Ms. Hatcher violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and that she misused her position when she loaned herself money from the City cash drawer for personal expenses. The Commission recommended a civil penalty of \$2,000 and public censure and reprimand be imposed by the Governor.

The Commission also adopted a settlement agreement between the Commission Advocate and **RICHARD NELSON**, former St. Johns County Utility Department Manager. The agreement finds Mr. Nelson violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and that he misused his position when he misused his authority to ensure the County would make purchases from his private business, Technical Field Services, Inc. (TFS). The agreement also

finds he had a prohibited business relationship arising from TFS doing business with the County and that his contract with TFS created a conflicting employment or contractual relationship. The Commission recommended a civil penalty of \$4,000 be imposed by the Governor.

The Commission dismissed a self-initiated investigation involving Miami-Dade County Schools employee **REGINALD H. JOHNSON**. The investigation – required by statute – was undertaken to determine whether his failure to file a 2018 Form 1, Statement of Financial Interests, was willful. It was determined that Mr. Johnson did not have the required purchasing authority for him to be required to file disclosure for 2018, a condition necessary to maintain jurisdiction in a willful investigation.

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.