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## PRESS RELEASE

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TALLAHASSEE—September 13, 2023—Meeting in Tallahassee on September 8th in closed session, the Florida Commission on Ethics took action on 28 matters, Chair Ashley Lukis announced today. Fourteen 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 filed against former Escambia County Commissioner **DOUGLAS UNDERHILL**, finding no probable cause on nine allegations that he violated ethics laws. All of the allegations relate to the acceptance of personal legal services for representation in three separate lawsuits. For each lawsuit, there were allegations Mr. Underhill solicited gifts from vendors of the County, accepted prohibited donations to his personal legal defense fund from a vendor, lobbyist or the

principal lobbyist of the County, and failing to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure.

In a complaint filed against **RANDOLPH WAITE**, former Groveland City Council Member and Vice Mayor, the Commission found no probable cause to believe he was doing business with his own agency when the City decided to have a polling site at a church, associated with the school where he is the principal. Similarly, no probable cause was found to believe he was doing business with his own agency when the City and the church entered into a joint venture to lease the church's gymnasium for community use and purchase land owned by the church. Allegations he had a conflicting employment or contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties by being employed as principal while serving in his public role as a member of the City Council was dismissed with a finding of no probable cause. In addition, an allegation that the City's purchase of land that was owned by the church created a conflicting employment or contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties also was dismissed with a finding of no probable cause. No probable cause was found to believe that Mr. Waite had a voting conflict when he voted on a matter about the construction of the gymnasium on church property.

In a complaint filed against Melbourne Beach Town Manager **ELIZABETH MASCARO**, the Commission found no probable cause to believe Ms. Mascaro misused her position when she encouraged a resident to request a residential zoning change and the City failed to bill the citizen for the appropriate amount.

Probable cause was found to believe that **STEPHANIE BUSIN**, Hendry County School Board, abused her position to obtain a disproportionate benefit and misused her public position when she distributed her campaign materials on school property.

In a complaint filed against Supervisor and Chairman of the Groves Community Development Board **WILBUR BOUTIN**, the Commission found no probable cause to believe Mr. Boutin misused his position when he sent out a "CDD Board Year in Review" email blast to the CDD residents. An allegation he used information not available to the general public for his personal benefit or to benefit someone else was dismissed with a finding of no probable cause.

Probable cause was found to believe **ANEALA BEACHUM**, Noma Town Council, 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. No probable cause was found to believe that Ms. Beachum had a voting conflict when she voted on a matter pertaining to the rental property.

The Commission considered a complaint filed against Lawtey City Clerk **LISA HARLEY**, finding no probable cause on an allegation that she violated the nepotism law by hiring and advocating for the employment of two relatives into positions with the City. No probable cause was found to believe she misused her position to hire her relatives. Further, no probable cause was found on allegations she misused her position when she provided a list of registered Lawtey voters to her political allies or by allowing them to set up candidate tents/tables at City Hall prior to the elections. An allegation she used information not available to the general public for her personal benefit or to benefit someone else was dismissed with a finding of no probable cause.

The Commission considered a complaint filed against Delray Beach Planning and Zoning Board Member **ROBERT D. LONG**. It was alleged he had a voting conflict on three separate votes concerning a residential development project that could benefit his client. The allegations were dismissed with a finding of no probable cause.

Probable cause was found to believe that **MCKENZIE FLEURIMOND**, North Miami Beach City Commissioner, abused his position to obtain a disproportionate benefit and misused his public position when he charged a \$300 gala ticket sponsored by the Florida Democratic Party to his city-issued purchasing card.

No probable cause was found to believe **BRANDON NEWSOM**, Holmes County Commissioner, 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 served as a part-time "Reserve Deputy" in order to complete training so his law enforcement certification would not lapse while he was serving as a county commissioner.

In a complaint filed against Holmes County Development Executive Director **JOE RONE**, the Commission found no probable cause to believe Mr. Rone misused his position when he was involved in the process of Holmes County Development Commission attempting to sell a property for commercial development.

In a complaint filed against **ANDREW KNAPP**, Oldsmar City Council, the Commission found probable cause to believe Mr. Knapp failed to complete the statutorily required ethics training for calendar year 2020. In addition, probable cause was found to believe he violated the disclosure laws when he checked the box on his 2020 Form 1 certifying that he completed the training. However, the Commission

elected to take no further action on both allegations due to the particular circumstances of the matter.

Probable cause was found to believe that **COREY RUNTE**, Melbourne Beach Town Commissioner, violated the voting conflict law by failing to personally vocalize his conflict prior to abstaining from a vote at a "Special Town Commission Meeting" to confirm qualified Town candidates for an upcoming election, in which he was a candidate. The Commission also found probable cause that Mr. Runte failed to file the required Memorandum of Voting Conflict (Form 8B) when he abstained from the vote. However, the Commission elected to take no further action on both allegations due to the particular circumstances of the matter.

Probable cause was found to believe that **LANCE MEDLEY**, Holmes County Development Commission Board Member, had a conflicting contractual relationship when Mr. Medley's LLC purchased property owned by the Holmes County Development Commission. However, the Commission elected to take no further action on the allegation due to the particular circumstances of the matter. No probable cause was found to believe Mr. Medley abused his position to obtain a disproportionate benefit or misused his position when he was involved in the process of Holmes County Development Commission attempting to sell the property for commercial development.

The Commission voted to dismiss a statutorily required, self-initiated investigation concerning a willful failure to file a Form 1, Statement of Financial Interests, for the year 2019 by **HOWARD J. BECHTOLD**, Department of Transportation Operations Manager. Mr. Bechtold previously filed a financial disclosure appeal with the Commission that resulted in the maximum automatic fine of \$1,500 being reduced. 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.

Similarly, the Commission voted to dismiss a statutorily required, self-initiated investigation concerning a willful failure to file a Form 1, Statement of Financial Interests, for the year 2018 by **ANDRAE JAMES BAILEY**, Florida Department of Children and Families Council on Homelessness member. Mr. Bailey previously filed a financial disclosure appeal with the Commission that resulted in the maximum automatic fine of \$1,500 being waived. 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 12 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: **KENNETH SUMPTER**, Florida Department of Corrections Inspector General; **LINDA HUDSON**, Fort Pierce Mayor; **TONY ROY**, Liberty Fire District Board Member and Assistant Fire Chief; **MIKE GREENWELL**, District 5 Lee County Commissioner; **HENRY "SKIP" WHITE**, Town of Ponce Inlet Planning Board member; **KEITH POOLE**, Candidate for Marion County Commission; **EUGENE CARNEY**, Turtle Run Community Development District Chairman of the Board; **JARED COX**, Tomoka Correctional Institution Warden/Superintendent; **ANDREW KELLY**, Parker Mayor; **SARAH HEARD**, Martin County Commissioner and former Pal Mar Water Control

District Board of Supervisors; **PATRICK CIRWITHIAN**, Tomoka Correctional Institution Food Service Director; **HAROLD JENKINS**, Martin County Commissioner.

### **PUBLIC SESSION**

During its public session meeting, the Commission considered a settlement agreement entered into between the Commission Advocate and former interim Orange County Clerk of Court **COLLEEN REILLY**. The Commission adopted the agreement finding she misused her position to obtain a severance package from the county while still employed as Interim Clerk of Courts. A total civil penalty of \$10,000 and public censure and reprimand will be recommended for imposition by the Governor.

The Commission adopted a settlement agreement between the Commission Advocate and former Sumter County Commissioner **OREN MILLER**. The agreement finds Mr. Miller violated Florida's gift law by failing to timely report donations for his legal fund received during the fourth quarter of 2021 and first quarter of 2022. The agreement also finds he failed to file an accurate CE Form 9 for quarter ending June 2022. The Commission recommended a total civil penalty of \$3,000 be imposed by the Governor.

The Commission granted the Advocate's Motion to Dismiss a complaint filed against former Florida Senator **WOODROW JOHN "JACK" LATVALA, JR.** The Advocate sought the dismissal, stating that, although the investigations resulted in evidence to support a finding of probable cause, without direct court testimony from key witnesses, the case would lack evidence to proceed.

A complaint filed against **EDDIE MARTINEZ**, former member of the Monroe County Commission, was sent to the Division of Administrative Hearings (DOAH) for a public hearing; however, Mr. Martinez did not participate in those proceedings. As a

result, DOAH relinquished jurisdiction and the matter returned to the Commission for final action. The Commission entered an order finding Mr. Martinez violated the Florida Constitution and Florida Statutes by filing an inaccurate 2020 Form 6. A civil penalty of \$5,000 and public censure and reprimand will be recommended for imposition by the Governor.

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.]