STATE OF FLORIDA
COMMISSION ON ETHICS

Friday, December 7, 2018

Third Floor Courtroom, First District Court of Appeal
2000 Drayton Drive
Tallahassee, Florida

PUBLIC SESSION MINUTES

At 8:33 a.m. Chair Guy Norris called the meeting to order with the following members present:

JASON BERGER
DANIEL BRADY
ANTONIO CARVAJAL
F. SHIELDS MCMANUS
WILLIAM "WILLIE" N. MEGGS
GUY NORRIS
KIMBERLY REZANKA
GARRETT RICHTER

The presence of a quorum was noted.

Commissioner Joanne Leznoff arrived to the meeting at 9:35 a.m.

Chair Norris introduced new Commission Members Antonio Carvajal and Joanne Leznoff.

Commissioner Rezanka, seconded by Commissioner Brady, moved to approve the minutes of the October 19, 2018, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – DOAH RECOMMENDED ORDER

Complaint No. 17-088, In re CHERYL THOMAS-HUGHES

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed recommended order and her exceptions to it, calling for a finding of violation of Section 112.3145(8)(c), Florida Statutes. General Counsel Chris Anderson addressed the Commission.

Commissioner Rezanka, seconded by Commissioner Berger, moved to adopt the draft Final Order proposed by Commission staff, granting the Advocate's exceptions in the main, adopting the Administrative Law Judge's Factual Finding that the Respondent willfully failed to file, finding that the Respondent violated the statute, and recommending that the Respondent be removed from her public employment. By unanimous vote, the motion carried.
CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint Nos. 16-072, 16-079, 17-017 (cons.), In re SHANE CRAWFORD
Present were Linda Bond Edwards, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

A handout was provided to the Commission.

Ms. Hadley summarized the proposed stipulation calling for a finding of violation of Sections 112.313(7)(a) and 112.3148(4), Florida Statutes, and a civil penalty of $2,000.

Ms. Edwards was heard by the Commission.

Commissioner Rezanka, seconded by Commissioner Meggs, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

Complaint Nos. 16-113, 17-016 (cons.), In re RICKY THOMPSON

Present were John D. Whitaker, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed stipulation calling for a finding of violation of Section 112.313(6), Florida Statutes, and recommendation of public censure and reprimand, and a civil penalty of $1,000.

Mr. Whitaker was heard by the Commission.

Commissioner Brady, seconded by Commissioner Rezanka, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

Complaint No. 17-050, In re JERE L. STAMBAUGH

Present were Mark Herron, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed amended stipulation calling for a finding of violation of Sections 112.3143(3)(a) and 112.3143(4), Florida Statutes, and recommendation of public censure and reprimand, and a civil penalty of $2,000.

Mr. Herron was heard by the Commission.

Commissioner Rezanka, seconded by Commissioner Berger, moved to approve the proposed amended joint stipulation. By unanimous vote, the motion carried.

PROCEEDING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Complaint No. 17-055, In re MARCOS VILLANUEVA
Present were Jose M. Herrera, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized her motion calling for a finding of violation of Section 112.3145, Florida Statutes, and recommendation of public censure and reprimand and a civil penalty of $1,000.

Mr. Herrera was heard by the Commission.

Commissioner Rezanka, seconded by Commissioner Berger, moved to adopt the ALJ's Order, to find a violation of Section 112.3145, Florida Statutes, and to recommend a civil penalty of $500.

Commissioner Brady asked Commissioner Rezanka if she would amend the motion to add public censure and reprimand.

Commissioner Rezanka and the motion's second, Commissioner Berger, agreed to the amendment.

The amended motion adopting the ALJ's Order, finding a violation of Section 112.3145, Florida Statutes, and recommending a civil penalty of $500 and public censure and reprimand carried unanimously.

CONSIDERATION OF ADVISORY OPINIONS

File 2725. CONFLICT OF INTEREST: COUNTY ECONOMIC DEVELOPMENT DIRECTOR'S PARTICIPATION IN ECONOMIC DEVELOPMENT EVENTS FUNDED BY LOCAL ECONOMIC DEVELOPMENT CORPORATION

General Counsel Chris Anderson explained the basis of the draft advisory opinion and the rationale behind his conclusion.

Commissioner McManus, seconded by Commissioner Rezanka, moved to approve the opinion as drafted. By unanimous vote, the motion carried

File 2726. CONFLICT OF INTEREST: COMPANY OWNED BY CITY COUNCIL MEMBER DOING BUSINESS WITH COMMUNITY REDEVELOPMENT AGENCY

Senior Attorney Caroline Klancke explained the basis of the draft advisory opinion and the rationale behind her conclusion.

Commissioner Brady, seconded by Commissioner Meggs, moved to approve the opinion as drafted. By unanimous vote, the motion carried.

File 2727. ANTI-NEPOTISM: GENERAL MANAGER/CHIEF EXECUTIVE OFFICER OF MUNICIPAL UTILITY BOARD SELECTING SON OF BOARD'S CHAIR FOR POSITION

Mr. Finkle was present, on behalf of the Requestor.
Senior Attorney Gray Schafer explained the basis of the draft advisory opinion and the rationale behind his conclusion.

Commissioner Richter, seconded by Commissioner Rezanka, moved to approve the opinion as drafted. The motion carried, with Commissioner Brady voting no.

FILE 2728. POST-EMPLOYMENT RESTRICTIONS: FORMER FDOT CONSTRUCTION MANAGER EMPLOYED BY FDOT CONTRACTOR

Ben Harris, Requestor, was present.

Senior Attorney Caroline Klancke explained the basis of the draft advisory opinion and the rationale behind her conclusion.

Mr. Harris was heard by the Commission.

Commissioner Richter, seconded by Commissioner Rezanka, moved to approve the opinion as drafted. By unanimous vote, the motion carried.

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

HEARING

FD17-120, In re MELISSA RUTLAND

Staff Attorney Lane Johnson explained the basis of the draft final order and the rationale behind his conclusion.

Ms. Rutland was present, and heard by the Commission.

Commissioner Richter, seconded by Commissioner Carvajal, moved to accept the late appeal and waive the $1,500 fine. The motion failed.

Commissioner Richter, seconded by Commissioner Carvajal, moved to accept the late appeal and reduce the fine to $100. The motion failed.

Commissioner Brady, seconded by Commissioner Rezanka, moved to accept the late appeal and reduce the fine to $500. The motion carried, with Commissioner Leznoff and Commissioner Richter voting no.

NO HEARING

FD16-115, In re LADISBEL LEYVA
FD17-057, In re TOM DERINGER
FD17-064, In re LETECIA FOSTER
FD17-107, In re JEFF CAZEAU
FD17-121, In re JAMES MAGUIRE
FD17-122, In re TIMOTHY DALY
FD17-123, In re BRADLEY FESS
FD17-124, In re LADISBEL LEYVA
FD17-125, In re MICHELLE CORT
FD17-126, In re GARLENE BOSLEY
FD17-127, In re BYRON DAVENPORT

No one was present for any of the appeals.

Commissioner Rezanka, seconded by Commissioner McManus, moved to approve the staff's recommendations regarding the above-referenced appeals. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ORDERS ON FINANCIAL DISCLOSURE FINES WHERE THERE HAS BEEN NO TIMELY APPEAL AND NO PAYMENT

Commissioner Rezanka, seconded by Commissioner Brady, moved to approve the entry, as put forth by the Commission staff, of Final Orders on financial disclosure fines where there has been no timely appeal and no payment. By unanimous vote, the motion carried.

REPORTS

The Chair had no report.

Executive Director Virlindia Doss elaborated on her written report previously provided to the Commissioners. She introduced new staff attorney Deanna Rahming. She also discussed future rule development workshops.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 10:44 a.m.

Respectfully submitted,

Diana Westberry, Secretary

Approved:

Guy W. Norris, Chair

Date