STATE OF FLORIDA
COMMISSION ON ETHICS

Friday, June 7, 2019

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

PUBLIC SESSION MINUTES

At 8:30 a.m. Chair Guy Norris called the meeting to order with the following members present:

JASON BERGER
DANIEL BRADY
ANTONIO CARVAJAL
JOANNE LEZNOFF
F. SHIELDS MCMANUS
GUY NORRIS
KIMBERLY REZANKA

The presence of a quorum was noted.

Commissioner Berger, seconded by Commissioner Carvajal, moved to approve the minutes of the April 12, 2019, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 16-061, In re JANET MCDONALD

Present were Albert "Tico" Gimbel, Attorney for the Complainant; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and a civil penalty of $500.

Commissioner McManus, seconded by Commissioner Berger, moved to approve the proposed joint stipulation. The motion carried, with Commissioner Brady and Commissioner Rezanka voting no.

Complaint No. 16-062, In re DENNIS MCDONALD

Present were Albert "Tico" Gimbel, Attorney for the Complainant; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and a civil penalty of $500.
Commissioner Rezanka, seconded by Commissioner Leznoff, moved to deny the proposed joint stipulation. By unanimous vote, the motion carried.

Complaint Nos. 17-115, 18-064, 18-075, 18-079 (cons.), In re SAMUEL STEVENS

Present were Samuel Stevens, Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed stipulation calling for a finding of violation of Section 112.3135, Florida Statutes, public censure and reprimand, and a civil penalty of $500.

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

Complaint No. 17-146, In re ANDREW GILLUM

Present were Barry Richard, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Commissioner Carvajal disclosed his past campaign support of the Respondent.

Ms. Miller summarized the proposed stipulation calling for a finding of violation of Section 112.3148(4), Florida Statutes, and a civil penalty of $5,000.

Mr. Richard was heard by the Commission.

Commissioner Brady, seconded by Commissioner McManus, moved to approve the proposed joint stipulation. The motion carried, with Commissioner Leznoff and Commissioner Rezanka voting no.

Complaint No. 18-061, In re THOMAS MCQUEEN

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed stipulation calling for a finding of violation of Sections 112.313(3) and 112.313(7)(a), Florida Statutes, and a civil penalty of $2,000.

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

Complaint Nos. 18-108, 18-119 (cons.), In re JOSH SANTOS

Present were Albert "Tico" Gimbel, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

A handout was provided to the Commission.

Commissioner Berger recused himself due to his family friendship with one of the Complainants.
Commissioner McManus disclosed that he is acquainted with one of the Complainants.

Ms. Miller summarized the proposed pre-probable cause stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and a civil penalty of $250.

Commissioner Leznoff, seconded by Commissioner Brady, moved to approve the proposed joint stipulation. The motion carried, with Commissioner Rezanka voting no, and Commissioner Berger abstaining.

CONSIDERATION OF ADVOCATE'S MOTION TO DISMISS COMPLAINT

Complaint No. 18-145, In re ULISES CARMONA

Present was Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized her recommendation for the matter to be dismissed.

Commissioner Carvajal, seconded by Commissioner Rezanka, moved to grant the Advocate's Motion and dismiss the complaint. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINION

File 2738. CONFLICT OF INTEREST: COUNTY COMMISSION MEMBER EMPLOYEE OF NOT-FOR-PROFIT PARTY TO AGREEMENTS WITH VARIOUS LOCAL GOVERNMENT ENTITIES

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

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

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

HEARING

FD18-017, In re DWAN MOORE ROSS
FD18-018, In re ESTHER RIVERA
FD18-019, In re TARA DELLEGROTTI
FD18-040, In re ALFRED MAIGE

No one was present for any of the appeals.

Commissioner Brady, seconded by Commissioner Rezanka, moved to approve the staff's recommendations regarding the above-referenced appeals. By unanimous vote, the motion carried.
NO HEARING

FD18-008, In re MICHAEL DUDASH
FD18-009, In re ULISES CARMONA
FD18-010, In re PAUL HILL
FD18-011, In re HUGH ANDISON
FD18-012, In re JEFFREY BRODZINSKI
FD18-013, In re RICK BARCENA
FD18-014, In re ESTELLE VARNER
FD18-015, In re COREY BROOKS
FD18-016, In re BRENDA CLEMENTS
FD18-020, In re J. ROBERT BARNES
FD18-021, In re CHERYSE BURGOS SANTOS
FD18-022, In re DAN DANIEL
FD18-023, In re J. JORGE GUTIERREZ
FD18-024, In re KATHRYN SHULER
FD18-025, In re LINTON ATKINSON
FD18-026, In re MARK LEWELLYN
FD18-027, In re DENNIS SHERWOOD
FD18-029, In re ALEXANDRIA MICHAUD
FD18-030, In re DAVIE ALONSO
FD18-031, In re ANTHONY ELLIOTT
FD18-032, In re JOHNNY BROWN
FD18-033, In re JORGE ARRIZURIETA
FD18-034, In re TOM EVANSHINE
FD18-035, In re VICKIE TURNER
FD18-036, In re TRAVIS LONGPRE
FD18-037, In re ALFRED WOLF
FD18-038, In re ERIC HOWELL
FD18-041, In re HENRY TALLEY
FD18-042, In re DONALD BOYD
FD18-043, In re ANNE MARIE LENTON
FD18-044, In re ALVIN SIMS
FD18-045, In re LISA METCALF
FD18-046, In re JULIA JACKSON
FD18-047, In re DERRICK ISAAC
FD18-048, In re PAMELA WHITEHEAD
FD18-049, In re ANA YEBBA
FD18-050, In re DIANNA FERNANDEZ
FD18-052, In re JERRY CRAIG
FD18-053, In re EDWARD MARTIN
FD18-054, In re TOD MOWERY

No one was present for any of the appeals.
Commissioner Rezanka, seconded by Commissioner Leznoff, moved to approve the staff's recommendations regarding the above-referenced appeals. By unanimous vote, the motion carried.

CONSIDERATION OF EXPENDITURES

Executive Director Virlindia Doss asked the Commission's approval on two items. She explained her spending authority is limited to $10,000 and requested the approval to renew the office lease. She also asked for spending authority dealing with the contracts for the Attorney General's Office for the services of two Assistant Attorneys General to serve as Commission Advocates, and one paralegal specialist.

Commission Brady, seconded by Commissioner Rezanka, moved to approve the requested spending authority. By unanimous vote, the motion carried.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-18.001

Several handouts were provided to the Commission.

Senior Attorney Gray Schafer explained the new rule intended to address the recent amendment found in Article II, Section 8(h)(2) of the Florida Constitution.

The Chair asked whether there was anyone present who wished to be heard. The following were heard by the Commission:

1. Jennifer Kilinski, Association of Florida Community Developers (Hopping Green & Sams, P.A.) – Opponent of Rule
2. Wayne Evans, Florida Sheriff's Association – Opponent of Rule
3. Chris Lyon, Florida Association of Special Districts (Lewis, Longman & Walker, P.A.) – Opponent of Rule
4. Rebecca O'Hara, Florida League of Cities – Opponent of Rule
5. Laura Youmans, Florida Association of Counties – Opponent of Rule
6. Martha Chumbler, The Villages of Lake-Sumter (Carlton Fields, P.A.) – Opponent of Rule
7. Ben Wilcox, Integrity Florida – Proponent of Rule
8. Cari Roth, Dean Mead – Opponent of Rule
9. Phil Claypool – Proponent of Rule
10. Eric Schwalbach – Proponent of Rule

The Public Hearing was closed.

Commission Rezanka, seconded by Commissioner Brady, moved to schedule a workshop, with any additional written comments to be provided to the Commission no later than 5 days before said workshop; and to continue work on the rule. By unanimous vote, the motion carried.
REPORTS

Executive Director Virlindia Doss elaborated on her written report previously provided to the Commissioners. She mentioned that Kerrie Stillman was promoted to Deputy Executive Director, and she requested that the Commission grant incoming Executive Director, Chris Anderson, purchasing power and personnel decision authority effective July 1, 2019. **Commissioner Brady, seconded by Commissioner Rezanka, moved to grant incoming Executive Director, Chris Anderson, purchasing power and personnel decision authority effective July 1, 2019. By unanimous vote, the motion carried.**

Executive Director Virlindia Doss elaborated on the legislative update previously provided to the Commissioners.

As it was Executive Director Virlindia Doss's last meeting, she expressed her gratitude and appreciation to the Commission and to the staff. Each Commissioner expressed their gratitude back to her as well.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 12:57 p.m.

Respectfully submitted,

Diana Westberry, *Secretary*

Approved:

XXX, *Chair*

Date