STATE OF FLORIDA
COMMISSION ON ETHICS

Friday, July 26, 2019

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

PUBLIC SESSION MINUTES

At 9:02 a.m. Vice-Chair Kimberly Rezanka called the meeting to order with the following members present:

JASON BERGER
DANIEL BRADY
ANTONIO CARVAJAL
JOHN GRANT
JOANNE LEZNOFF
F. SHIELDS MCMANUS
WILLIAM MEGGS
KIMBERLY REZANKA

The presence of a quorum was noted.

Vice-Chair Rezanka introduced new Commission Member, John Grant.

SELECTION OF CHAIR AND VICE-CHAIR FOR FY 2019-2020

Commissioner Leznoff, seconded by Commissioner Brady, moved to nominate Commissioner Kimberly Rezanka as Commission Chair. By unanimous vote, the motion carried.

Commissioner Carvajal, seconded by Commissioner Meggs, moved to nominate Commissioner Daniel Brady as Commission Vice-Chair. By unanimous vote, the motion carried.

Commissioner Berger, seconded by Commissioner Brady, moved to approve the minutes of the June 7, 2019, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – APPELLATE COSTS AND FEES

Complaint No. 15-174, In re GEORGE HANNS

Present was Mark Herron, Attorney for the Respondent.
Commissioner Brady, seconded by Commissioner Berger, moved to approve the staff's draft final order. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 17-178, In re CHARLES C. PESANO

Present were Mark Herron, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Sections 112.313(3), 112.313(4), 112.313(6), 112.313(7)(a), 112.3145, and 112.3148, Florida Statutes, and recommendation of public censure and reprimand, and a civil penalty of $7,500.

Mr. Herron was heard by the Commission.

Commissioner McManus, seconded by Commissioner Leznoff, moved to approve the proposed pre-probable cause stipulation. By unanimous vote, the motion carried.

Complaint Nos. 18-106, 18-117 (cons.), In re WILLIAM KRUSE

Present was Elizabeth A. Miller, Commission Advocate.

Commissioner Berger recused himself due to his family's personal relationship 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 Brady, seconded by Commissioner McManus, moved to approve the proposed pre-probable cause stipulation. The motion carried, with Commissioner Berger abstaining.

Complaint Nos. 18-107, 18-118 (cons.), In re BARBARA H. BROOKE

Present was Melody A. Hadley, Commission Advocate.

Commissioner Berger recused himself due to his family's personal relationship with one of the Complainants.

Ms. Hadley 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 $500.
Commissioner Leznoff, seconded by Commissioner Carvajal, moved to approve the proposed pre-probable cause stipulation. The motion carried, with Commissioner Berger abstaining.

**Complaint Nos. 18-111, 18-122 (cons.), In re JARED B. REDDICK**

Present was Elizabeth A. Miller, Commission Advocate.

Commissioner Berger recused himself due to his family's personal relationship with one of the Complainants.

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

**Complaint No. 18-170, In re BRUCE GREENLEE**

Present was 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 Section 112.313(6), Florida Statutes, and recommendation of public censure and reprimand, and a civil penalty of $2,500.

**Commissioner Berger, seconded by Commissioner Brady, moved to reject the proposed joint stipulation. The motion carried, with Commissioner Carvajal voting no.**

**CONSIDERATION OF ADVOCATE'S MOTION TO DISMISS COMPLAINT**

**Complaint No. 18-070, In re WENDY POWELL**

Present was Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized her recommendation for the matter to be dismissed due to lack of jurisdiction.

**Commissioner Leznoff, seconded by Commissioner McManus, moved to grant the Advocate's Motion and dismiss the complaint. By unanimous vote, the motion carried.**
Complaint No. 18-153, In re JOHN VAUGHAN

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized her recommendation for the matter to be dismissed due to lack of jurisdiction.

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

CONSIDERATION OF WITHDRAWAL OF COMPLAINT

Complaint No. 17-064, In re CATHERINE DREW

Present was Timothy R. Qualls, Attorney for the Respondent; Catherine Drew, Respondent; John Drew, Spouse of the Respondent; Carlos Slay, Complainant; and Melody A. Hadley, Commission Advocate.

Senior Attorney Gray Schafer recommended that the request for withdrawal be denied based on the rationale in the written recommendation previously provided to Commissioners.

Mr. Qualls was heard by the Commission.

Commissioner Brady, seconded by Commissioner Carvajal, moved to approve the staff's recommendation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINIONS

File 2739. CONFLICT OF INTEREST: CITY COUNCILMEMBER PRESIDENT OF CONSULTING COMPANY

A handout was provided to the Commission.

Commissioner Carvajal recused himself from the consideration of this matter.

Staff Attorney Deanna Rahming explained the basis of the draft advisory opinion and the rationale behind her conclusion.

Mr. Martin Shelby, Requestor, was heard by the Commission.

Commissioner Berger, seconded by Commissioner McManus, moved to approve the opinion as drafted, but with a minor language change as per the letter handed out dated 7/11/19. The motion carried, with Commissioner Carvajal abstaining.
File 2740. GIFT PROHIBITIONS; MISUSE OF PUBLIC POSITION; CONFLICT OF INTEREST: CITY POLICE CHIEF AFFILIATED WITH NONPROFIT ACCEPTING DONATIONS FROM POLICE DEPARTMENT LOBBYISTS/VENDORS AND ENGAGING IN FUNDRAISING ACTIVITIES

Senior Attorney Gray Schafer explained the basis of the draft advisory opinion and the rationale behind his conclusion.

Commissioner Berger, seconded by Commissioner Leznoff, moved to table the opinion until the September meeting. By unanimous vote, the motion carried.

File 2743. APPOINTMENT OR EMPLOYMENT OF RELATIVES OF SCHOOL SUPERINTENDENTS: EFFECT OF CHAPTER 2018-005, LAWS OF FLORIDA

Senior Attorney Gray Schafer explained the basis of the draft advisory opinion and the rationale behind his conclusion.

Ms. Joy Frank, Requestor, was heard by the Commission.

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

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

HEARING

FD18-039, In re MICHAEL MORRIS

No one was present for the appeal.

Commissioner Brady, seconded by Commissioner McManus, moved to approve the staff's recommendation regarding the above-referenced appeal. By unanimous vote, the motion carried.

NO HEARING

FD18-055, In re TERRY BECHTOLD
FD18-056, In re STEVEN WEAVER
FD18-057, In re JEPHTA HOLNESS
FD18-058, In re STACEY TANENBAUM
FD18-059, In re TONY VALENTINE
FD18-060, In re CLARENCE WILLIAMS
FD18-061, In re BETTE BIGGAR
FD18-062, In re SCOTT CONLEY
FD18-064, In re ROBERT CHENOWETH
FD18-065, In re JESS TEMPLE  
FD18-067, In re WILLIAM BAILEY  
FD18-069, In re LUCY MORSE  
FD18-072, In re ANNETTE WOODS-MITCHELL  
FD18-073, In re JELANI HARVEY  
FD18-075, In re RYAN PAPLOW  
FD18-076, In re MATTHEW MALONEY  
FD18-077, In re ALEJANDRO GONZALEZ  
FD18-079, In re FRANTZ PIERRE  

No one was present for any of the appeals.

Commissioner Berger, seconded by Commissioner Brady, 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 Brady, seconded by Commissioner McManus, 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.

CONSIDERATION OF 2020 MEETING SCHEDULE

Commissioner Grant, seconded by Commissioner Meggs, moved to approve the proposed 2020 meeting calendar. By unanimous vote, the motion carried.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-8, F.A.C.

Senior Attorney Caroline Klancke explained the changes in the financial disclosure forms incorporated by reference in the rule being amended.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

Commissioner McManus, seconded by Commissioner Berger, moved to adopt the proposed rule/forms changes. By unanimous vote, the motion carried.
Rule Chapter 34-18.001, F.A.C.

Workshop

A handout was provided to the Commission.

Senior Attorney Gray Schafer and Executive Director Chris Anderson 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. Wayne Evans, Florida Sheriff's Association
2. Carlos Slay
3. Dorothy Johnson, Common Cause Florida
4. Joy Frank, Florida Association of District School Superintendents
5. Doug Atkins
6. Former Senator Don Gaetz
7. Laura Youmans, Florida Association of Counties
8. Mike Eckert
9. Rebecca O'Hara, Florida League of Cities
10. Ben Wilcox, Integrity Florida

The workshop ended.

Commissioner Brady left the meeting early at 2:35 p.m.

Hearing

Discussion ensued by the Commission.

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

1. Doug Atkins
2. Mike Eckert
3. Wayne Evans, Florida Sheriff's Association

Commission staff was directed to prepare proposed rule language for the Commission to consider.

REPORTS

The Chair had no report.
Executive Director Chris Anderson elaborated on his written report previously provided to the Commissioners. He introduced new staff employee, Victoria Kaiser. He also recognized Frances Craft's retirement, and thanked her for her many years of service to the Commission.

The Public Session temporarily adjourned at 3:05 p.m.
It was called back to order at 3:40 p.m. with a quorum present.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-18.001, F.A.C.

Hearing

Commissioner Leznoff disclosed that she is acquainted with Former Senator Don Gaetz.

Commissioner Carvajal, seconded by Commissioner McManus, moved to approve particular language for the rule and authorized Senior Attorney Gray Schafer to do all things necessary to further the adoption of the rule as approved by the Commission, including filing it with the Department of State for adoption. By unanimous vote, the motion carried.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 4:00 p.m.

Respectfully submitted,                                          Approved:

Diana Westberry, Secretary                                          Kimberly B. Rezanka, Chair

Date