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PRESS RELEASE

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TALLAHASSEE—April 17, 2019—Meeting in Tallahassee on April 12th in closed session, the Florida Commission on Ethics took action on 16 matters, Chair Guy Norris announced today. A finding of probable cause is not a determination 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 Nassau County School District employee **CATHERINE DREW** had a prohibited business relationship and conflicting employment relationship by contracting with the district in her private capacity to provide mental health services for students while employed by the district to oversee the grant for student mental health services. Nine other allegations regarding the intersection of her private business with her public employment were dismissed with a finding of no

probable cause, including: misuse of public position, use of inside information for the benefit of her business, and conflicting contractual relationships.

The Commission found probable cause to believe Midway Mayor and City Council Member **WANDA RANGE** violated the anti-nepotism law regarding the appointment of her relative to a position within the City. Probable cause also was found to believe she misused her position to appoint her relative to the position of City Mayor Pro Tem. The Commission also found probable cause to believe she misused the City vehicle and gasoline credit card and she failed to report the use of the vehicle and credit card as a gift. However, the Commission found no probable cause to believe she had a voting conflict when she voted to appoint her relative to a position in the City.

Allegations she solicited or accepted a recreational vehicle based upon an understanding her official action would be influenced, or she accepted the vehicle when she knew or should have known it was given to influence her were dismissed with a finding of no probable cause. No probable cause was found to believe she misused her position to vote in favor of the vehicle donor or wrongfully secured a permit for a temporary power pole to supply power to the vehicle. The Commission found no probable cause to believe she solicited or accepted a food truck or lodging based upon an understanding her actions would be influenced or she accepted those things when she knew or should have known they were given to influence her. Further, no probable cause was found to believe she failed to report the food truck or lodging as a gift.

Allegations she misused her position to vote in favor of the donor of the food truck and lodging, or to store the truck at the City's fire station during a hurricane, also were dismissed with a finding of no probable cause. The Commission also found no probable

cause to believe she misused her position to participate in a special meeting of the City Council.

In a complaint filed against Midway City Council Member **SAM STEVENS**, the Commission found probable cause to believe he violated the anti-nepotism law regarding the appointment of a relative to a position within the City. However, no probable cause was found on three other allegations related to the appointment: that he misused his position to appoint his relative, voted to appoint his relative, and misused his position to direct the City Manager to hire a relative's mother. The Commission also found no probable cause on allegations he misused his position to obtain a repair permit from the City or by his participation in a special meeting of the City Council.

The Commission considered a complaint filed against Pinellas County Construction Licensing Board Member **THOMAS TAFELSKI**. It was alleged he had a contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties or impeded the full and faithful discharge of his public duties. The complaint also contained allegations the he used inside information gained by his service on the Board to benefit his business and he misused his position to give inspection discounts and receive referrals from Board employees. No probable cause was found on all of these allegations. The Commission also found no probable cause on allegations he solicited or accepted inspection work steered to him by employees of the Board, in exchange for free or discounted inspections, or he accepted things of value when he knew or should have known they were given to influence his official action.

No probable cause was found on a complaint filed against **RODNEY S. FISCHER**, Executive Director of the Pinellas County Construction Industry Licensing Board. The allegations involved discounts on inspections of his properties or family properties, steering work to himself or another Board member in exchange for those discounts, use of inside information to benefit himself or another Board member, as well as allegations the discounts were prohibited or reportable gifts.

Twentieth Judicial Circuit State Attorney **AMIRA FOX** was alleged to have misused her position as Chief Assistant State Attorney while running for office, to attend political events during work hours, make social media postings on campaign-related sites during work hours, and to use a state vehicle and gas card to travel to campaign-related events. The Commission found no probable cause on all the allegations.

The Commission considered the results of a statutorily-required, self-initiated investigation of Miramar Firefighter's Pension Board Member **ULISES CARMONA**. Probable cause was found to believe Mr. Carmona willfully failed to file his 2016 Form 1 Statement of Financial Interests.

A self-initiated investigation – required by statute – to determine if Creekside Twin Creeks Community Development District Board of Supervisors Member **JOHN KINSEY** willfully failed to file his 2016 Form 1 resulted in a finding of probable cause. However, the Commission voted to take no further action on the matter.

In another self-initiated investigation – required by statute – the Commission found probable cause to believe Opa-Locka City Commissioner **CHRIS DAVIS** willfully failed to timely file his 2016 Form 1 disclosure. However, the Commission will take no further action on the matter.

The Commission granted the request of the complainant to withdraw a complaint filed against Manatee County Sheriff **RICK WELLS**.

The Commission voted to dismiss a self-initiated investigation concerning a willful failure to file a 2016 Form 1 disclosure by **PEGGY BOULE**, as a member of the North Miami Board of Adjustment or the North Miami Planning Commission. Ms. Boule's \$1,500 fine was waived during the appeal process. Since accrual of the maximum automatic fine is a required element of the statute, the Commission no longer possesses jurisdiction in the matter.

The Commission reviewed five 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: **CHRISTINE BROWN**, Assistant State Attorney; **DAVID BUTCHER**, Ft. Myers Beach Town Council Member and former Local Planning Agency Member; **FRANK DESANTIS**, Madeira Beach Building Official & Building Inspector; **RICHARD E. COLEMAN**, Newberry City Commissioner; and **MELISSA NELSON**, State Attorney, 4th Judicial Circuit.

PUBLIC SESSION

The Commission adopted an advisory opinion finding Jacksonville City Council members could apply for a position in the City's executive branch, with the employment beginning after the expiration of their term. However, they would be prohibited from

engaging in representation in that employment before the City Commission and certain staff members within two years of leaving the Council.

Also adopted was an opinion finding contracts between companies owned by a member of the governing board of a water management district entered into prior to the member's appointment to the board would not create a prohibited conflict under the law. However, the board member would be prohibited from entering into certain business relationships while on the board, unless the transaction meets one of the specific exemptions permitted by statute.

The Commission also adopted an opinion finding a stepmother-in-law is not a "relative" as defined in Florida's anti-nepotism law.

Another opinion adopted by the Commission found a prohibited business relationship or conflicting contractual relationship would not be created were a catering company owned by two IT employees of a State University, to provide catering services for various University events, as long as those events are not organized by the IT department and the IT employees have no involvement in the procurement or selection of caterers for the events.

Contact the Commission's office to obtain rulings on appeals of automatic fines imposed for late submission of financial disclosure reports submitted by public officers and employees. (See Item V. on the April 12th meeting agenda posted on the Commission's website.)

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.