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PRESS RELEASE

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TALLAHASSEE—April 26, 2017— Meeting in Tallahassee on April 21st in closed session, the Florida Commission on Ethics took action on 21 matters, Chairman Matthew F. Carlucci announced today. 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.

No probable cause was found to believe that **JUDITH DUGO**, Greenacres City Councilmember, misused her position to have action taken against a political opponent.

An allegation that **STACY A. SCOTT**, Public Defender for the 8th Judicial Circuit, misused her office and official resources to benefit herself or her political campaign was dismissed with a finding of no probable cause. A related allegation that she used or disclosed information not available to the general public and gained from her position to benefit her campaign also was dismissed with a finding of no probable cause.

The Commission dismissed four consolidated complaints filed against Attorney General **PAM BONDI**, with a finding of no probable cause. The allegations concerned her interaction with Donald Trump, the Trump Foundation, and Trump family members: that she solicited or accepted things of value based on an understanding that her official action would be influenced; that she accepted a thing of value when she knew or should have known that it was given to influence her in a matter she was expected to participate in; that she corruptly misused her position to benefit herself or others; that she used inside information gained by reason of her official position in order to benefit herself or others; that she had a conflicting employment or contractual relationship; that she solicited a gift from a lobbyist or vendor of her office; that she accepted a prohibited gift from a lobbyist or vendor of her office; and that she failed to report a gift she accepted that was valued at more than \$100.

No probable cause was found to believe that **JIMMY D. MESSICK**, Milton City Councilmember and board member of the Milton Community Redevelopment Agency, had a voting conflict when he voted on a measure related to the purchase of property near his or his wife's property.

In a complaint filed against Department of Revenue Service Center Manager **ED DOLE**, the Commission found no probable cause to believe that he misused his position to advance the career of a relative or intimidate an employee into not filing an ethics complaint against him. An allegation that he violated the nepotism law by promoting or advocating for the promotion of a relative also was dismissed with a finding of no probable cause.

The Commission approved the Advocate's Motion to Dismiss in a statutorily-required investigation concerning whether or not Florida City Planning and Zoning Board member **JULIA GREEN** willfully failed to file her 2014 annual disclosure form. Service in public office or employment is an element of the violation and the only penalty for a willful failure to file is removal from office. Ms. Green resigned from the board, resulting in the Commission lacking jurisdiction to proceed.

Probable cause was found to believe that **CHRIS DAVIS**, Opa-locka Zoning Board of Appeals willfully failed to file his 2014 Form 1 annual disclosure form.

The Commission found probable cause to believe that **PAUL A. PFEIFFER**, Miami-Dade County Public School Principal and **JOHN POLINSKI**, Dorcas Fire District Chief willfully failed to file their 2014 Form 1 annual disclosure forms, but voted to take no further action on the complaints unless a public hearing is requested.

In an investigation required of the Commission based on findings in a random audit of Executive Branch lobbying firm **NATIONAL STRATEGIES**, the Commission found no probable cause to believe the firm overstated compensation it received from its principals in each of the four reporting periods in 2014.

The Commission dismissed two self-initiated investigations for lack of jurisdiction. The investigations involved **MOE M. HAKSSA**, former member of the Miami-Dade County Community Redevelopment District and **MARIO RUMIANO**, former member of the Biscayne Park Planning & Zoning Board. The investigations – required by law – were undertaken to determine if their failure to file the annual financial disclosure form was willful. The investigation revealed that Mr. Hakssa and Mr. Rumiano had both

resigned from their respective boards, and therefore the Commission lacks jurisdiction to proceed.

The Commission reviewed nine 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: **CRAIG A. WRATHELL**, Julington Creek Plantation Community Development District; **LUIS EDUARDO SERRANO**, Opa-locka Police Officer; **FRANCISCO JOSE FERNANDEZ-RUBIERA**, University of Central Florida Professor; **JEFF JOHNSON**, Starke Chief of Police; **WHITNEY PHILLIPS**, Family Integrity Program Case Manager for St. Johns County Board of County Commissioners; **EULA CLARKE**, Stuart City Commissioner; **PAT FRANK**, Clerk of Court and Hillsborough County Comptroller; **RICK SCOTT**, Governor; and, **MARTIN CASAREZ**, Palm Beach County Deputy Sheriff.

PUBLIC SESSION

The Commission rejected a Joint Stipulation between the Commission Advocate and former Fourth Judicial Circuit Public Defender **MATT SHIRK**.

Former Gainesville Mayor **EDWARD BRADDY** entered into a Joint Stipulation with the Commission Advocate that was adopted by the Commission. The agreement finds that Mr. Braddy knowingly accepted a prohibited gift of hotel stays valued at more than \$100 from a lobbyist or principal of a lobbyist. A civil penalty of \$4,000 and public

censure and reprimand for the violation will be recommended for imposition by the Governor.

The Commission also considered the Recommended Order from the Division of Administrative Hearings concerning **ROBERT K. ROBINSON**, former City Attorney for the City of North Port. The Commission adopted the Recommended Order finding that Mr. Robinson misused his position and violated a provision applicable to local government attorneys by offering himself for consideration for the position of Zoning Hearing Officer as well as Code Enforcement Special Magistrate. The Commission granted the exceptions filed by the Commission Advocate, including one regarding the recommended penalty. Public censure and reprimand and a civil penalty of \$10,000 for the two violations of law will be recommended for imposition by the Governor.

The Commission voted to grant the Advocate's motion to dismiss a self-initiated, statutorily-required investigation by the Commission concerning whether or not **CARMEN GARCIA**, as member of the Miami-Dade County Board of Rules and Appeals, willfully failed to file her 2014 Statement of Financial Interests. Service in a public office or employment is an element of the violation and the only penalty for a willful failure to file is removal from office. Ms. Garcia resigned from the board, resulting in the Commission lacking jurisdiction to proceed.

The Commission adopted a formal advisory opinion that determined that members of the Jacksonville Ethics Commission are "local officers" required to file Form 1 Statements of Financial Interests. In another formal opinion, the Commission determined that a conflict of interest would not be created if a member of the Jacksonville Ethics Commission (JEC) were also a partner in a law firm that represents

clients in litigation adverse to the City or its independent agencies other than the JEC. The official's firm and its clients would not be regulated by or doing business with the JEC and those contractual relationships would not create a frequently recurring conflict with, or impede, her public duties as a member of the JEC. However, the firm would not be permitted to represent any clients before the JEC or in any appeal of a decision rendered by the JEC.

The Commission unanimously adopted a resolution respectfully declining delegations of authority issued by the presiding officers of the House and Senate, voicing concerns that they inadvertently impacted the perception of its independence. The resolution reiterates the Commission's commitment to operating within its statutory jurisdiction and the financial parameters of its appropriation.

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 VIII. on the April 21st 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 that include removal from office or employment and fines up to \$10,000 per violation.