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TALLAHASSEE—July 28, 2021—Meeting in Tallahassee on July 23rd in closed session, the Florida Commission on Ethics took action on 30 matters, Chair JoAnne Leznoff 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.

The Commission found probable cause to believe the former General Counsel for Florida Virtual School (FLVS) **FRANK KRUPPENBACHER**, misused his position to require FLVS employees to perform work and personal services for the benefit of himself, his family members, and/or his private business and clients. Probable cause also was found to believe Mr. Kruppenbacher misused his position to ensure FLVS retained his daughter's boyfriend as an agency vendor despite the boyfriend's lack of qualifications. The Commission also found probable cause to believe he directed FLVS

staff to engage in a salary analysis of his daughter's position as an agency employee and sought to ensure that a raise or other advancement was provided to her. An allegation Mr. Kruppenbacher used his position to destroy and/or create false or misleading public records in order to hide or conceal unsupported legal department expenditures also resulted in a finding of probable cause. The Commission found probable cause to believe he failed to take annual leave during several multi-week trips for business unrelated to FLVS and subsequently used those hours for his benefit via an agency encashment program. Probable cause also was found to believe that Mr. Kruppenbacher used or disclosed information, gained by his official position and not available to the general public, for the benefit of himself and/or another. However, no probable cause was found on allegations related to Mr. Kruppenbacher doing business with his agency and seeking to advance and/or advocating for the advancement of his daughter at FLVS.

The Commission held a probable cause hearing on multiple allegations regarding former City of Palm Coast Mayor **MILISSA HOLLAND**. Probable cause was found to believe Ms. Holland misused her public position and/or public resources to send emails promoting her private employer from her City account to the City of Orlando. However, the Commission found no probable cause on five additional allegations: doing business with her agency concerning a contract from her employer; misusing her position and/or public resources to benefit herself and/or her employer regarding emails sent to the City of Palm Coast Council Members; misusing her position to influence the City of Palm Coast actions regarding a technology study; doing business with her agency regarding an event she sponsored; and misusing her public position to write recommendation letters for her employer's daughter. Further, the Commission rejected the

recommendation of its Advocate and found no probable cause to believe that Ms. Holland had a conflicting employment or contractual relationship that created a continuing or frequently recurring conflict between her private interests and the performance of her public duties, or that would impede the full and faithful discharge of her public duties.

The Commission considered four consolidated complaints filed against Lee County Sheriff **CARMINE MARCENO**. Probable cause was found to believe Sheriff Marceno accepted a prohibited gift valued at more than \$100 from a vendor of his agency or alternatively, that he failed to disclose the receipt of a gift that exceeded \$100 in value. Allegations he used his public position and/or public resources for an activity that did not serve a public purpose were dismissed with a finding of no probable cause. An allegation Sheriff Carmine solicited a gift from a vendor of his agency also was dismissed with a finding of no probable cause. The Commission also found no probable cause to believe he used his public position and/or public resources regarding the use of his agency-issued purchasing card.

Probable cause was found to believe Volusia County Council Member **HEATHER POST** violated Florida's Constitution and disclosure laws by filing inaccurate 2017, 2018 and 2019 Form 6s. However, no further action will be taken by the Commission due to the particular circumstances of the matter, including the filing of amended disclosures.

The Commission found no probable cause to believe Gulf County Commissioner **PHILLIP McCROAN** misused his public position and/or public resources by writing a letter on County letterhead regarding local efforts to re-elect the President in the 2020 election.

The Commission evaluated the results of an investigation into Chattahoochee City Council member **ANN RICHARDSON**. They found no probable cause to believe she misused her position or official resources to secure a City job for her husband. Allegations she promoted or advocated for the employment of her husband in violation of the anti-nepotism law also were dismissed with a finding of no probable cause.

The Commission considered related complaints against Chattahoochee City Council members **KEN KIMREY, CHRISTOPHER MOULTRY, AMY GLASS, and ANN WILLIAMS**. No probable cause was found to believe the Council Members misused their positions to approve the hiring of Council Member Richardson's husband. The Commission dismissed allegations they violated the anti-nepotism law by appointing or employing him, with a finding of no probable cause. In related complaints filed against Chattahoochee City Manager **ROBERT PRESNELL** and Chattahoochee City Attorney **JEROME MILLER**, the Commission found no probable cause to believe they misused their public position to hire Mr. Richardson.

No probable cause was found to believe former State Representative, **JAMES GRANT**, who currently serves as the State of Florida Chief Information Officer, violated Florida's Constitution and financial disclosure laws by filing an inaccurate 2019 Form 6.

A complaint filed against Hernando County Commissioner **STEVE CHAMPION** was considered by the Commission. No probable cause was found to believe Mr. Champion misused his public position by providing inaccurate biographical information for publishing on the Hernando County website.

The Commission found no probable cause to believe **SANJAY PATEL**, as a Candidate for the Brevard County Commission, failed to list an asset on his 2019 Form 6.

The Commission reviewed 15 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: **MELVIN BROWN**, Trails Community Development District Board of Supervisors; **CHAD CHRONISTER**, Hillsborough County Sheriff; two complaints filed against **BRETT THOMAS HAGE**, State Representative, District 33; **BREANNE "CORSO" CANTILLO**, and **PEDRO CORTES**, Detectives, Hillsborough County Sheriff's Office; **DENNIS WARD**, State Attorney 16th Judicial Circuit; **MATT COLEMAN**, Deputy, Franklin County Sheriff's Office; **ANDRISE BERNARD**, North Miami Beach City Clerk; **MATTHEW CASE**, Manatee County Fleet Manager; **LINDA DOGGETT**, Lee County Clerk of Court; **CARMINE MARCENO**, Lee County Sheriff; **ROBERT TAYLOR**, Town of Davie Fire Marshal; **VICTOR BARBOSA** and **ED DANKO**, Palm Coast City Council Members.

PUBLIC SESSION

During its public session meeting, the Commission considered a settlement agreement entered into between the Commission Advocate and Eatonville Town Council Member **MARILYN SCONIONS**. The Commission adopted the agreement finding she failed to complete ethics training, as required for her public position. A civil penalty of \$1,000 and public censure and reprimand will be recommended to the Governor for imposition.

The Commission rejected a stipulation, filed prior to consideration of probable cause, in a complaint filed against **ALEXIS P. RODRIGUEZ**, former Candidate for the Florida Senate. The Commission then proceeded with a probable cause hearing and found probable cause to believe Mr. Rodriguez failed to list an asset on his 2019 Form 6. Probable cause also was found to believe Mr. Rodriguez accepted money from an individual based on the understanding he would change his party affiliation, qualify to run in the 2020 Florida Senate race, and file a false Form 6.

The Commission granted the Advocate's Motion to Dismiss a complaint filed against Fort Myers Chief of Police **DERRICK DIGGS**.

A petition for costs and attorney fees filed by Village of Palmetto Bay Mayor **KARYN CUNNINGHAM** against Complainant David Singer was dismissed by the Commission because the parties reached a settlement agreement in the matter.

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. (Item IX. on the July 23 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.