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TALLAHASSEE— July 27, 2022—Meeting in Tallahassee on July 22nd in closed session, the Florida Commission on Ethics took action on 19 matters, Chair John Grant announced today. Eight of those matters were considered for probable cause. 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.

In two consolidated complaints filed against **CARA HIGGINS**, a member of the Florida Keys Aqueduct Authority Board of Directors, the Commission found no probable cause on eight allegations of violations of the ethics laws. Three of the allegations pertained to Ms. Higgins misusing her public position by: questioning a contract with a vendor to benefit a person connected to her in her private capacity; ensuring that an employee's possible conflict of interest was overlooked; and facilitating the award of a contract between her agency and a personal friend in spite of deficiencies in the bid

package. No probable cause also was found on five allegations related to trips Ms. Higgins took with her romantic partner, who a was vendor doing business with her agency. The allegations included: soliciting or accepting something of value based upon an understanding that her vote, official action or judgment would be influenced; accepting compensation, payment, or thing of value when she knew or should have known it was given to influence her vote or official action; soliciting gifts from a vendor; accepting prohibited gifts from a vendor; and failing to report gifts valued in excess of \$100.

The Commission considered a complaint filed against **RONALD "CHIP" ROSS**, a member of the Fernandina Beach City Council. No probable cause was found to believe he misused his position when the City reviewed a grant application that would affect a port in the vicinity of Mr. Ross' residence.

The Commission considered three consolidated complaints against Lake City Councilman **CHRISTOPHER TODD SAMPSON**. No probable cause was found to believe Mr. Sampson misused his position to misrepresent certain provisions of the City Charter regarding the termination process at a City Council meeting. An allegation Mr. Sampson misused his position by failing to place the removal of the City Manager and appointment of an Interim City Manager on the Regular Session agenda was dismissed with a finding of no probable cause. The Commission also found no probable cause to believe he misused his position by recommending and voting to hire an Interim City Manager. No probable cause was found to believe Mr. Sampson violated Florida's financial disclosure laws by failing to properly disclose his interests in certain businesses on his 2019 and 2020 Form 1 disclosures.

No probable cause was found to believe Lee County School Board Member **CHRIS PATRICCA** violated Florida's ethics laws by soliciting or accepting campaign endorsements based upon an understanding that it would influence her vote. An allegation Ms. Patricca misused her official position to benefit herself or an individual who endorsed her campaign was dismissed with a finding of no probable cause.

The Commission found no probable cause to believe Town of Indialantic Mayor **DAVE BERKMAN** failed to disclose a reportable gift on a CE Form 9 after he accepted and distributed free tickets to a local restaurant's 20-year anniversary celebration.

Probable cause was found to believe Bristol City Clerk **ROBIN HATCHER** violated the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit and that she misused her position when she loaned herself money from the City cash drawer for personal expenses.

A self-initiated investigation – required by statute – to determine if **MARK CAGNI**, a member of the Building/Flood Board of Adjustments and Appeals for the City of Clearwater, willfully failed to timely file his 2018 Form 1, resulted in a finding of probable cause.

In another self-initiated willful investigation – required by statute – the Commission found probable cause to believe that **REGINALD H. JOHNSON**, an employee with Miami-Dade County Public Schools, willfully failed to timely file his 2018 Form 1.

The Commission reviewed 11 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: **TISHEENA RICKERSON**, Jennings City Attorney; two complaints against **ANTOINETTE HERNANDEZ**, Ocala Manager of Contractor Licensing; two complaints against **RYAN ARBUCKLE**, Marion County Code Enforcement Officer; **GREGORY MCCLELLAN**, Official of City of Ocala; **ANN HAUFMANN**, Haines City Mayor; **MARY BALAZS**, Monroe County State Attorney's Office Executive Director; **SAMMY MCCOY**, Hamilton County School Board Member; **ORLANDO GUDES**, Tampa City Council Member; **ROBERTA ULRICH**, Sumter County Commissioner.

PUBLIC SESSION

During its public session meeting, the Commission considered the Recommended Order of an Administrative Law Judge (ALJ) from the Division of Administrative Hearings (DOAH) in a complaint filed against **CARLOS BERUFF**, as a member of Southwest Florida Water Management District, State College of Florida, Sarasota Manatee Airport Authority, Cross Creek CDD, and Commission on Healthcare and Hospitals. The Commission adopted the recommendation and took final action, finding Mr. Beruff failed to adequately complete his 2013, 2014, and 2015 CE Form 1s. A civil penalty of \$1,500, and public censure and reprimand will be recommended to the Governor for imposition.

The Commission took final action on a complaint against former Interim General Counsel to the Broward County Housing Authority **DAVID N. TOLCES**. The Commission adopted the recommendation of an Administrative Law Judge (ALJ) from the Division of Administrative Hearings (DOAH), finding that Mr. Tolces misused his

position to benefit his law firm by addressing the Broward County Housing Authority regarding his law firm's application to be awarded the Authority's legal services contract. In addition to the \$2,500 civil penalty recommended by the Administrative Law Judge, the Commission increased the recommended penalty to include public censure and reprimand. The penalty will be recommended for imposition by the Governor.

The Commission rejected a stipulation, filed prior to consideration of probable cause, in a complaint filed against **WOODROW J. LATVALA**, former Member of the Florida Senate. The Commission then proceeded with a probable cause hearing and found probable cause to believe Mr. Latvala solicited or accepted sexually oriented favors with the understanding his vote, official action, or judgment would be influenced. The Commission also found probable cause to believe he accepted a thing of value when he knew, or should have known, it was given to influence his official action. Probable cause also was found to believe he misused his position to engage in sexually or romantically oriented comments, behavior, and/or invitations to female staff and a lobbyist.

The Commission adopted a Joint Stipulation between the Commission Advocate and **DOROTHY MILES**, former Chair of the Board of Supervisors of the Coquina Water Control District. The Commission voted to enter a final order finding Ms. Miles violated the law by doing business with the District when she billed it for accounting services, having a conflicting employment or contractual relationship, and misusing her position to obtain unauthorized payments and additional compensation as a board member. A civil penalty of \$1,500 and public censure and reprimand will be recommended for imposition by the Governor.

A settlement agreement, in a complaint filed against former Lake Worth Beach City Commissioner and former State Representative **OMARI HARDY**, finds Mr. Hardy violated Florida's Constitution and disclosure law by filing an inaccurate 2019 Form 6. The Commission recommended a civil penalty of \$1,000 and public censure and reprimand be imposed.

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 VII. on the July 22nd 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.