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**Virlindia Doss**  
*Executive Director*

**C. Christopher Anderson, III**  
*General Counsel/  
Deputy Executive Director*

State of Florida  
**COMMISSION ON ETHICS**  
P.O. Drawer 15709  
Tallahassee, Florida 32317-5709

(850) 488-7864 Phone

(850) 488-3077 (FAX)

[www.ethics.state.fl.us](http://www.ethics.state.fl.us)

325 John Knox Road  
Building E, Suite 200  
Tallahassee, Florida 32303

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## PRESS RELEASE

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CONTACT PERSON:

Virlindia Doss or  
Kerrie J. Stillman  
850.488.7864

May be accessed on the Internet at [www.ethics.state.fl.us](http://www.ethics.state.fl.us)

TALLAHASSEE—June 14, 2017— Meeting in Tallahassee on June 9<sup>th</sup> in closed session, the Florida Commission on Ethics took action on 22 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 **DONNA MARTIN**, Nassau County School Board Chair, had a prohibited business relationship because of her husband's service on the board of directors of a company that entered into an agreement with the school district to provide free mental health services to students, at no cost to the District.

No probable cause was found on an allegation that Tampa City Councilmember **GUIDO MANISCALCO** accepted a helicopter ride that he knew or should have known

was given to influence his official action. No probable cause was found to believe that he solicited the ride from a vendor or lobbyist of his agency, or that the gift was valued at more than \$100 and prohibited by law. The Commission also found no probable cause to believe that Mr. Maniscalco failed to disclose a reportable gift.

The Commission considered the results of separate investigations of Cypress Cove Community Development District Board Members **SUSAN GOTTESMAN** and **MARTIZA ABSTENCIO**. The Commission adopted the recommendation of its Advocate finding no probable cause to believe that the board members misused their position to remove the board chair so that they could ensure the district manager's continued employment and free landscaping services for board members. The investigation found no evidence that Ms. Gottesman or Ms. Abstencio accepted things of value, therefore the Commission found no probable cause to believe that they accepted something of value when they knew or should have known it was given in exchange for their official action. Likewise, no probable cause was found to believe that they solicited or accepted a thing of value based on an understanding that their official action would be influenced.

No probable cause was found to believe that Port of Palm Beach Commissioner **JEAN ENRIGHT** misused port facilities to conduct a private lunch, political event, or other gathering.

The Commission found no probable cause to believe that Orlando Police Officers **ANNA MELNICK** and **BRIAN CECHOWSKI** violated the ethics laws. The allegations were that they had a prohibited business relationship; that they had a conflicting contractual relationship with a company doing business with the department; that they misused their position to secure a special privilege or benefit for themselves or their

employer; that they disclosed or used information not available to the general public, but gained from their position with the department to secure a benefit for themselves or their employer; and that they accepted something of value when they knew or should have known it was given to influence their official action.

In a complaint filed against Clay County Superintendent of Schools **CHARLES VAN ZANT, JR.**, the Commission found no probable cause to believe he misused public resources to receive a certification that resulted in a salary increase. Similarly, the Commission found no probable cause to believe that he disclosed or used information not available to the general public and gained from his public position to secure a gain or benefit for himself.

The Commission found probable cause in a self-initiated investigation involving former Midway Fire Chief and current employee of the Quincy Fire Department **KENT PRIDEMORE**; however, no further action will be taken in the matter unless he requests a hearing. The investigation – required by law – was undertaken to determine whether his failure to file his 2014 Form 1 Statement of Financial Interests was willful.

The Commission dismissed a complaint filed against **ROBERT ROBINSON**, former North Port City Attorney, because the alleged conduct took place outside the five-year statute of limitations.

A Commission-initiated investigation of Department of Juvenile Justice employee **TIFFANY S. ROSIER** resulted in the dismissal of the case. The investigation – required by law – was undertaken to determine whether her failure to file her annual financial disclosure form was willful. The investigation revealed that Ms. Rosier no longer works

for DJJ or has any other public employment, therefore the Commission lacks jurisdiction to proceed.

The Commission reviewed eleven 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: **NAPTHALI RISHE**, Director of Performance Database Research, Florida International University; two complaints against **CAROL R. WHITMORE**, Manatee County Commissioner; **TERRY NICHOLS**, Jackson County School Board Member; **S. ROBINSON**, Department of Corrections employee; **TOM LEWIS**, Punta Gorda Chief of Police; **CAROL JACOBS**, Indian Trail Improvement District Board of Supervisors; **JOHN WELSH**, Nassau County Sheriff's Office employee; **RICHARD "RICK" SCOTT**, Governor of Florida; **SERGEANT BAILEY**, Nassau County Sheriff's Office employee; and **CAROLYN A. COOPER**, Winter Park City Commissioner.

#### **PUBLIC SESSION**

The Commission considered the Recommended Order from the Division of Administrative Hearings concerning Representative **CARY PIGMAN**. The Commission adopted the Recommended Order finding that Mr. Pigman did not misuse his position.

The Commission adopted a Recommended Order from the Division of Administrative Hearings finding that former Ocoee Planning and Zoning Commission member **MILTON WEST** violated the ethics laws by having a conflicting or contractual

relationship involving the sale of property in which he had an ownership interest, that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties, or that was an impediment to the full and faithful discharge of his public duties. A civil penalty of \$10,000 and public censure and reprimand will be recommended for imposition by the Governor.

Former candidate for the Florida House of Representatives, **JEFFEREY "DOC" SOLOMON**, entered into a Joint Stipulation with the Commission Advocate that was adopted by the Commission. The agreement finds that Mr. Solomon filed an incomplete 2015 Form 6 disclosure that was incomplete regarding his assets when he qualified as a candidate for office. A civil penalty of \$750 and public censure and reprimand for the violation will be recommended for imposition by the Governor.

The Commission adopted a formal advisory opinion that determined that city commissioners would be prohibited from soliciting city vendors to advertise on their company's website, as such activity could impede their responsibility to make impartial decisions in their public capacity about the vendors. The ethics laws would not necessarily be violated were the company to solicit advertising from sources other than city vendors, the commissioners should remain mindful of the prohibitions on misuse of office, disclosure or use of non-public information, and the prohibitions on soliciting or accepting things of value in exchange for their official action.

According to another formal opinion adopted by the Commission, a former career service employee of the Florida Department of Transportation would not be subject to the postemployment restrictions in the ethics code, if he were to work as an employee

or contractor for Space Florida or one of its contractors in connection with a master grant agreement between DOT and Space Florida.

An opinion also was adopted concerning the members of the Board of Directors of the Florida Housing Finance Corporation. The opinion holds that the board members are not state public officers subject to the requirements of the voting conflict law. However, board members would be permitted to abstain from voting under Section 286.012, F.S.

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 June 9<sup>th</sup> 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.