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TALLAHASSEE— March 9, 2022—Meeting in Tallahassee on March 4th in closed session, the Florida Commission on Ethics took action on 39 matters, Chair John Grant 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 Howey-in-the-Hills Mayor **MARTHA MACFARLANE** misused her position by hiring a town employee without properly advertising the position.

In a complaint filed against **DAVID BOLDUC**, Board Treasurer for Mason Classical Academy (MCA), the Commission found no probable cause to believe Mr. Bolduc had a conflict of interest arising from doing business with the MCA.

An allegation he had a conflicting employment or contractual relationship based on his private business' interaction with MCA also was dismissed with a finding of no probable cause.

The Commission found probable cause to believe City of Pahokee City Manager **CHANDLER WILLIAMSON** misused his city-issued credit card to make personal purchases that were contrary to the City's credit card policies.

The Commission considered a complaint filed against former Lake Worth Beach City Commissioner **OMARI HARDY**, who currently serves as a member of the Florida House of Representatives, District 88. Probable cause was found to believe he violated Florida's Constitution and disclosure laws by filing an inaccurate 2019 Form 6 when he qualified to run for the Florida House of Representatives. An allegation Mr. Hardy violated the dual employment prohibition while serving as City Commissioner was dismissed with a finding of no probable cause.

No probable cause was found to believe Noma Town Council Member **LITERMIN JOSEPH** violated the constitutional amendment prohibiting an abuse of office for a disproportionate benefit relating to fees charged for the installation of a new water meter at his home. Similarly, no probable cause was found to believe he misused his position or had a voting conflict regarding those fees.

The Commission also found no probable cause on a similar complaint filed against another Noma Town Council Member **COY MIXON**.

The Commission considered a complaint filed against **AMIRA D. FOX**, State Attorney for the 20th Judicial Circuit. An allegation she violated the constitutional amendment prohibiting an abuse of office for a disproportionate benefit by promising to initiate prosecution of an individual in exchange for their relative withdrawing support for

her opponent was dismissed with a finding of no probable cause. Similarly, no probable cause was found to believe she solicited or accepted political favors in exchange for prosecuting a case or that she solicited or accepted a thing of value based on the understanding it would influence her actions and these allegations were dismissed. Further, no probable cause was found to believe she misused her position to coerce an individual to withdraw support of her political opponent.

In a complaint filed against **ROBERT A. COLE**, Santa Rosa County Commissioner, the Commission found no probable cause to believe he violated the misuse of public position statute or the constitutional amendment prohibiting an abuse of office for a disproportionate benefit when an item was added to the County's budget providing funding for a non-profit affiliated with his wife and a friend.

Probable cause was found to believe **RODNEY J. BRADEN**, a Destin City Council member, violated Florida's financial disclosure laws by filing inaccurate 2017, 2018, 2019 and 2020 Form 1 financial disclosures.

The Commission found no probable cause to believe City of Ocala Senior Site Inspector **GREGORY MCCLELLAN** misused his position while interacting with Marion County regarding an air conditioning unit replacement on his father's property.

The Commission considered the results of an investigation – required by statute – based on the findings of a random audit of **BREWTON PLANTE P.A.**, an Executive Branch Lobbying Firm. The Commission rejected the recommendation of its Advocate and found no probable cause to believe the lobbying firm failed to register and complete a principal authorization to lobby the Executive Branch for 2019. Also rejecting the recommendation of the Advocate, the Commission found no probable cause as to an

exception indicating that Brewton Plante P.A. failed to report compensation provided by a principal for lobbying in the second quarter of 2019.

The Commission dismissed a self-initiated investigation involving City of Port St. Lucie Planning and Zoning Board member **DEBORAH L. BEUTEL**. The investigation – required by law – was undertaken to determine whether her failure to file a 2018 Form 1, Statement of Financial Interests, was willful. During the course of the investigation, Ms. Beutel filed a financial disclosure appeal with the Commission that resulted in the maximum automatic fine of \$1,500 being rescinded. The \$1,500 maximum fine is necessary to invoke and maintain the Commission's jurisdiction; therefore, the Commission on Ethics dismissed the matter based upon the absence of jurisdiction to proceed.

The Commission reviewed 27 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: **SCOTT STOUDENMIRE**, Director of Sustainable Development for Coconut Creek; **THOMASINA TURNER-DIGGS**, City of Fort Lauderdale Community Redevelopment Agency Coordinator; **JAMES B. WILLIAMS**, Suwannee County Sheriff's Office Deputy; **SAMUEL ST. JOHN**, Suwannee County Sheriff; **SGT. S. BURCH**, Franklin Correctional Institution Sergeant; **SARAH CORRIGAN**, Department of Health Employee; **JACK REISINGER**, City of Stuart Building Official; **MICHELLE BERGER**, City of Sewall's Point Town Manager; **JULI A. CASALE**, City of Delray

Beach City Commissioner; **SHELLEY E. PETROLI**, City of Delray Beach Mayor; **TARA CULVER**, City of Orlando Assistant Controller; **ERIC FLOWERS**, Indian River Sheriff; **RON GARRISON**, Indian River Deputy Sheriff; **JOHN EDWIN MCNEAL**, Indian River Deputy Sheriff; **MICHAEL ANDREW WHITE**, Town of Inglis Mayor; **CELESTINE LEWIS**, Jacqueline Harris Charter School Executive Director and Principal; **DAVID BERKMAN**, Indian River County Mayor; **PAUL ALLEN**, Wakulla Correctional Institution Warden; **A.J. WHITTINGTON**, Wakulla Correctional Institution Correctional Officer; **JEREMY PROCTOR**, Wakulla Correctional Institution Chief of Security; **BEN JOHNSON**, former Volusia County Sheriff and current Volusia County Council Member; **JOSEPH JAMISON**, Wakulla Correctional Institution Correctional Officer; **MICHAEL CHITWOOD**, Volusia County Sheriff; **MATTHEW HARDESTY**, Seminole County Sheriff's Department Lieutenant; **LARRY BARTLETT**, Volusia County Property Appraiser; **DENNIS WARD**, State Attorney, Sixteenth Judicial Circuit; **UNA GARVEY**, City of Tampa Convention Center and Tourism Director.

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 in a complaint filed against **DAPHNE CAMPBELL**, as a member of the Florida Senate, candidate for Florida Senate and member of the Florida House of Representatives. The Commission took final action, finding Senator Campbell violated Florida's financial disclosure laws by filing inaccurate 2013, 2015, and 2017 Form 6s. The Commission voted to increase the \$15,000 (\$5,000 per violation) civil penalty recommended by the ALJ based on the number of violations that occurred,

combined with information contained in the hearing record. A civil penalty of \$22,500 (\$7,500 per violation) and public censure and reprimand will be recommended to the President of the Senate and Speaker of the House for action.

The Commission adopted a settlement agreement between the Commission Advocate and **CYNTHIA STUART**, Clerk of the Court for Hillsborough County. The agreement, filed prior to a finding of probable cause, finds Ms. Stuart violated financial disclosure laws by filing inaccurate 2019 and 2020 Form 6 disclosure forms. The Commission recommended a civil penalty of \$1,000 (\$500 per allegation) be imposed by the Governor.

The Commission rejected a proposed settlement in a complaint filed against Interim Orange County Clerk of Courts **COLLEEN REILLY**, noting the proposed civil penalty of \$3,500 was not adequate. Ms. Reilly may choose to reach terms of another settlement agreement with the Commission Advocate or engage in a full evidentiary hearing at the Division of Administrative Hearings.

A settlement agreement, in a complaint filed against **GABRIEL GARCIA**, candidate for the Florida House of Representatives, finds Mr. Garcia violated Florida's Constitution and disclosure law by filing an inaccurate 2019 Form 6. The Commission recommended a civil penalty of \$500 be imposed by the Governor.

The Commission also adopted a stipulated settlement agreement regarding **DALE V.C. HOLNESS**, Broward County Commissioner. The agreement finds he violated Florida's financial disclosure laws and the Florida Constitution by failing to properly disclose income and secondary sources of income on his 2016, 2017, 2018 and 2019 Form 6 disclosures. A civil penalty of \$1,000 will be recommended for imposition by the Governor.

A formal opinion adopted by the Commission finds a prohibited conflict of interest would not be created were a member of the Board of Governors for the State University System to approve an agreement involving a state university and a corporation, when the board member owns stock in that corporation's parent company. No conflicting employment or contractual relationship is created because the Board member will have limited involvement in the project and his stock ownership equates to less than .0001% interest. However, the Commission advised the member regarding compliance with the voting and participation conflicts laws in any matters concerning the project agreement.

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.