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PRESS RELEASE

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TALLAHASSEE—October 24, 2018— Meeting in Tallahassee on October 19th in closed session, the Florida Commission on Ethics took action on 25 matters, Chair Guy Norris 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.

On allegations regarding two former employees of the Lauderhill Housing Authority, the Commission found no probable cause to believe that **JULIE SAUNDERS** and **KENNIE HOBBS, JR.** misused their positions to receive loans from the housing authority with favorable terms. No probable cause also was found to believe they used inside information gained by their positions to secure the loans or had conflicting contractual relationships as a result of the loans.

A complaint filed against Wellington Mayor **ANNE GERWIG** resulted in the Commission finding no probable cause on allegations she had a voting conflict by voting on matters benefiting her or clients of the company she owned with her husband and/or by failing to file the required voting conflict form disclosing the nature of her conflict. The Commission adopted the recommendation of the Advocate and found no probable cause on allegations Ms. Gerwig misused her position, engaged in a prohibited business relationship, and had a conflicting contractual relationship because of private business relationships.

The Commission found probable cause on three allegations concerning Auburndale Planning Commissioner **JERE L. STAMBAUGH**. The allegations were that he had a voting conflict when he voted on October 4, 2016 on a matter he knew would inure to the special private gain or loss of a principal by whom he was retained, participated in discussion on the matter without first disclosing his conflict, and misused his position to secure a benefit for himself or another with regard to the October 4 vote. The Commission found no probable cause on similar allegations regarding an April 5, 2016 vote. The Commission found no probable cause to believe Mr. Stambaugh had a conflicting employment or contractual relationship which created a continuing or frequently recurring conflict between his private interests and his public duties.

No probable cause was found to believe that Fernandina Beach Commissioner **TIM POYNTER** had a voting conflict when he voted to approve an ordinance to increase the base density of the city's Central Business District where he owns land.

In a complaint filed against **SUSAN HAYNIE**, former Mayor of Boca Raton, the Commission found probable cause on eight allegations of violations of the ethics laws.

Five of the allegations pertained to Ms. Haynie filing inaccurate financial disclosure forms for 2012-2016. Probable cause also was found to believe she misused her position to conceal a business relationship with the Batmasians and acted to benefit her and her husband's businesses and the businesses of the Batmasians. Probable cause also was found to believe she voted on matters she knew would inure to the special private gain or loss of herself, her husband, or business associates and principals. The Commission also found probable cause on an allegation that she had a conflicting contractual relationship because of her business relationship with the Batmasians and their companies while they or their representatives appeared before the city council.

The Commission considered a complaint filed against **GLYNDA CAVALCANTI**, who serves on the board of the Ft. Pierce Utilities Authority, and found no probable cause to believe she misused her position to direct authority employees to provide special treatment for her properties and terminate the employment of a director who resisted her demands. No probable cause also was found regarding an allegation she had a voting conflict by participating in a measure inuring to her or her tenants' special private gain or loss.

Two separate complaints were filed against Chair **KEVIN FOGARTY** and **RUTH PELAEZ**, members of the Florida Board of Chiropractic Medicine. The Commission found no probable cause to believe Mr. Fogarty misused his position to benefit himself or to benefit his girlfriend's company. The Commission found no probable cause to believe Ms. Pelaez misused her position to benefit her sister or her sister's company or that she voted or participated on measures she knew would inure to the special private gain or loss of her sister or her sister's company.

The Commission found probable cause to believe that Lantana Mayor **DAVID STEWART** misused his position to attempt to obtain a sexual benefit for himself.

Probable cause also was found to believe he solicited sex from a constituent based on an understanding his vote, official action, or judgment would be influenced.

The Commission found no probable cause to believe St. Cloud City Manager **WILLIAM E. STURGEON** misused City resources by using a city vehicle while simultaneously receiving a car allowance from the City. Additionally, no probable cause was found to believe Mr. Sturgeon misused the City seal.

The Commission voted to find probable cause, but take no further action, as to allegations former Brevard County Commissioner **CHARLES NELSON** failed to properly disclose bank and retirement accounts on his 2012 and 2013 Form 6 financial disclosure forms.

MIRIAM HEISSER serves as the human resources manager for the Indian Trail Improvement District and was alleged to have misused her position to alter or forge a supervisor's signature on her offer of employment letter, providing for a \$12,000 pay increase after six months. The Commission found no probable cause to believe she committed the alleged act.

No probable cause was found to believe that Opa-Locka City Commissioner **TIMOTHY HOLMES** misused his position to advocate for City employment and benefits for his daughter, who is an employee of the city's police department. The Commission also voted to find no probable cause to believe he violated the nepotism law to advocate for her employment and benefits.

The Commission found no probable cause to believe St. Augustine Beach City Commissioner **RICH O'BRIEN** misused his office to send correspondence on City letterhead to the St. Johns County Commission expressing support for an event sponsored by an organization that promotes his business.

DONNA BIEDERMAN, an employee of Hollywood, was cleared of allegations she misused her position to secure loans and other agreements through programs administered by the city, for the benefit of herself and her spouse. Similarly, no probable cause was found to believe she used inside information gained from her position with the city, regarding the Florida Housing Initiative Partnership Program Trust Fund loan program, for her personal benefit. The Commission also found no probable cause to believe she had a conflicting contractual relationship with the program administered by the City.

The Commission granted a request for withdrawal and dismissed the complaint against Plantation City Councilman and Candidate for Mayor **PETER S. TINGOM**. The withdrawal request was filed by the complainant, Jesse Walaschek, who demonstrated good cause for the withdrawal and dismissal of the complaint.

The Commission voted to dismiss an investigation – required by statute – to determine if **CHRIS DAVIS** willfully failed to file his annual Form 1 Statement of Financial Interests. The Commission's investigation revealed Mr. Davis no longer serves as a member of the Opa-Locka Zoning Board of Appeals, thereby depriving the Commission of jurisdiction in the matter since he holds no public position from which he can be removed, which is the only penalty available for a willful failure to file disclosure.

The Commission reviewed seven 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: **HOWARD KUNIK**, Punta Gorda City Manager; **ANITA CERECEDA**, Ft. Myers Beach Town Council Member; **KEVIN BIEDERMAN**, Hollywood City Commissioner; **NANCY STACY**, Marion County School Board Member; **SCOTT CARNAHAN**, Citrus County Commissioner; **MARY JO KILCULLEN**, Indian River County Council Member; and **JAMES BRANN**, Candidate for Gateway Services Community Development District.

PUBLIC SESSION

During its public session meeting, the Commission considered a Motion to Dismiss filed by the Commission Advocate in the statutorily-required investigation of whether or not **RONDA VANGATES**, former member of the NW 79th Street Corridor Community Redevelopment Agency and Opportunity Officer for the Miami-Dade County Public Schools, willfully failed to file her 2015 Form 1 disclosure form. Based on Ms. Vangates' resignation from her position on the CRA board, her significant health issues, and the fact she ultimately filed her disclosure form and paid the \$1,500 automatic fine, the Commission voted to grant the dismissal request, finding the public interest would not be served by further proceedings.

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 V. on the October 19th 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.