

Daniel Brady, Ph.D.

Chair

F. Shields McManus

Vice Chair

Antonio Carvajal

Don Gaetz

Glenton "Glen" Gilzean, Jr.

John Grant

JoAnne Leznoff

William "Willie" N. Meggs

Kimberly Bonder Rezanka



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

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

"A Public Office is a Public Trust"

C. Christopher Anderson, III

Executive Director/

General Counsel

Kerrie J. Stillman

Deputy Executive Director

(850) 488-7864 Phone

(850) 488-3077 (FAX)

www.ethics.state.fl.us

PRESS RELEASE

For Immediate Release
September 16, 2020

CONTACT PERSON:

Chris Anderson or
Kerrie J. Stillman
850.488.7864

May be accessed online at www.ethics.state.fl.us

TALLAHASSEE—September 16, 2020—Meeting in Tallahassee on September 11 in closed session, the Florida Commission on Ethics took action on 22 matters, Chair Dan Brady 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 dismissed a complaint filed against Martin County Commissioner **STACEY HETHERINGTON**, finding no probable cause on three allegations and finding the public interest would not be served by further proceedings on the other two allegations because the investigation revealed she had taken considerable effort to try and understand the law applicable to her situation and made considerable effort to comply with the law. The allegations were: she had a conflicting contractual relationship with an individual who was doing business with the County; had

an employment relationship with another company which was subject to the regulation of, or doing business with the County; accepted things of value from a corporation when she knew or should have known they were given to influence her in an action she might take as a Commissioner; and had a voting conflict when she voted on measures affecting an individual or his business and her employer.

The Commission found no probable cause to believe Gainesville City Commissioner **HARVEY WARD** misused his position to film a campaign video from his City office and posting it to his personal social media page.

Probable cause was found to believe **DOUG BELDEN**, Hillsborough County Tax Collector, solicited a favor with the understanding his vote, official action or judgment would be influenced. Probable cause also was found to believe he misused his public position and resources to secure a favor concerning his re-election bid.

No probable cause was found to believe **DOUG GILPIN**, Sumter County Commissioner, had a voting conflict that would inure to the special private gain or loss of his employer when he voted on a measure regarding road construction.

Probable cause was found to believe Ft. Myers Chief of Police **DERRICK DIGGS** misused his position or official resources by using his City purchasing card to purchase meals, boots, and satellite radio for himself or others, contrary to purchasing card policy.

Probable cause was found to believe Riviera Beach City Council Member **TERENCE DAVIS** failed to report a gift as required by law. No probable cause was found to believe he solicited or accepted money from an individual based on the understanding he would be influenced thereby, or that he accepted money from a vendor or lobbyist when he knew or should have known it was given to influence actions taken in his official capacity. No probable cause also was found regarding an allegation

he misused his position to direct his legislative aide to solicit funds for the benefit of his campaign or that he had a conflicting employment relationship with a political consulting company owned and managed by his legislative assistant. An allegation he solicited a gift from a vendor doing business with the City was dismissed with a finding of no probable cause.

The Commission found no probable cause on four allegations filed against **REGINA WILLIAMS**, Legislative Aide for the city of Riviera Beach. The allegations were that she solicited or accepted payment from a private company while the company had at least one matter pending before the Riviera Beach Community Redevelopment Agency (CRA); accepted payment from that company when she knew or should have known it was given to influence; that she misused her position to accept the payment; and that she had a conflicting contractual relationship by accepting payment from clients who had interests concerning the City Council or the CRA.

No probable cause was found to believe Lobbyist **JORGE CHAMIZO** failed to register to lobby on behalf of a principal prior to engaging in lobbying activities on behalf of the principal. The Commission also dismissed an allegation he failed to report compensation provided by the principal for lobbying.

In a complaint filed against **RONALD BOOK**, no probable cause was found regarding an allegation that he or his employees engaged in lobbying of Executive Branch agencies or officials prior to registering to lobby the Executive Branch.

The Commission dismissed a complaint filed against the City Clerk of Center Hill, **DIANE LAMB**, with a finding of no probable cause. The allegations were that she: accepted public employment knowing the employer offered it for the purpose of gaining influence or other advantage based on her public office; appointed or employed her

daughter in a position with the City; did business with her agency or purchased services from a prohibited source; had a conflicting employment or contractual relationship; misused her position for her benefit or the benefit of another; used information not available to the general public and gained by reason of her public position for her benefit or for the benefit of another.

No probable cause was found to believe Marathon City Commissioner **MARK SENMARTIN** misused his position by trademarking the City seal and attempting to sell the rights to the seal back to the City.

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: **DEBBIE McDOWELL**, City Commissioner, North Port; **ACHARA TARFA**, Assistant Secretary, Heritage Landing Community Development District; **ALAN FERNANDEZ**, Vice Chairman, Heritage Landing Community Development District; two complaints filed against **STEVEN BERUBE**, Chairman, Harmony CDD Board; **ANNA R. NORRIS**, Assistant State Attorney, 2nd Judicial Circuit; **STACY MILLER**, Interim Assistant Secretary for Strategic Development, Florida Department of Transportation; **BRUCE ANTONE**, Representative District 46, Florida House of Representatives; **BYRON DONALDS**, Representative District 80, Florida House of Representatives; and two complaints filed against **JOSH SMITH**, County Commissioner, Hamilton County.

PUBLIC SESSION

The Commission granted a motion by the Commission Advocate to dismiss a self-initiated proceeding – required by statute – to determine if **MELANIE HATCHER**, Senior Vice President, North Broward Hospital District willfully failed to timely file her 2017 Form 1 disclosure. After an earlier finding probable cause, the Advocate received information Ms. Hatcher no longer holds a public position and because the only penalty for a willful violation is removal from office, the Commission no longer has jurisdiction to pursue the matter.

The Commission dismissed a Petition for Costs & Attorney Fees filed by Palmetto Bay Mayor **KARYN CUNNINGHAM** against Eugene Flinn, the complainant in a previously dismissed complaint filed against her. The petition was dismissed for failure to state a claim meeting the requirements of law.

A formal advisory opinion was adopted by the Commission providing guidance under the conflicting employment and voting conflict statutes to a City Council Member regarding situations where clients of his law practice or real estate business or clients of other law firms have matters coming before the City Council, City staff, or subordinate City boards.

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. (VIII. on the September 11th 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.