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PRESS RELEASE

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TALLAHASSEE—September 15, 2021—Meeting in Tallahassee on September 10th in closed session, the Florida Commission on Ethics took action on 37 matters, Vice 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.

The Commission considered a complaint filed against Escambia County Commissioner **DOUGLAS UNDERHILL**. The Commission found probable cause to believe that Mr. Underhill misused his position by publicly sharing or publishing confidential transcripts, including minutes from Escambia County Commission meetings. Probable cause also was found to believe the information he disclosed was only available to him as a public officer and gained by reason of his official position. Probable cause was found on three allegations that related to Mr. Underhill soliciting

donations through a GoFundMe page including soliciting donations from a vendor, lobbyist or principal of a lobbyist of the County, accepting prohibited donations to his personal legal defense fund from a vendor, lobbyist or the principal lobbyist of the County, and failing to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure. Regarding two additional allegations relating to the reporting of gifts, probable cause was found to believe Mr. Underhill failed to report on a Form 9, Quarterly Gift Disclosure, free personal legal services, provided by a law firm, as well as travel and shipping expenses provided to him by a non-profit organization. Allegations Mr. Underhill published his GoFundMe legal defense fund to social media, solicited free legal services from a lobbyist/vendor, accepted free legal services from a lobbyist or vendor, had a conflicting employment or contracted relationship with the Pensacola Sports Association, Inc., and an allegation that Mr. Underhill solicited, and then accepted, reimbursement for travel and expenses from an organization that accepting funding from the County were dismissed with a finding of no probable cause.

The Commission found probable cause to believe Wakulla County Commissioner **RANDALL MERRITT** voted on an October 3, 2016 Final Plat approval matter that he knew would result in the special private gain or loss of a client. Probable cause also was found to believe he violated Florida's Constitution and financial disclosure law by inaccurately reporting the sale of a property on his 2019 Form 6.

The Commission considered a complaint filed against write-in candidate **MUHAMMAD AMIN**, who ran for State Representative, District 96. Probable cause was found to believe he violated Florida's Constitution and financial disclosure law by filing an inaccurate 2019 Form 6.

In a complaint filed against former Orange County Commissioner **BETSY VANDERLEY**, the Commission found probable cause to believe she voted on a May 5, 2020 measure she knew would result in a special private gain or loss to a principal by whom she is retained.

Probable cause was found to believe District 13 State Representative **TRACIE DAVIS** violated Florida's Constitution and disclosure laws by filing an inaccurate 2019 Form 6.

In a complaint filed against City of Parker Councilmember **JOHN D. HANEY**, the Commission found probable cause to believe he failed to complete the statutorily-required ethics training for calendar year 2020. However, the Commission will take no further action on the allegation based on the totality of the facts in this matter.

No probable cause was found to believe Belleair Town Commissioner **KARLA D. RETTSTATT** voted on a measure which would have resulted in a special private gain for her employer, Pelican Golf Club. In addition, allegations that Ms. Rettstatt had a conflicting relationship with an entity doing business with her agency was dismissed with a finding of no probable cause. No probable cause was found to believe Ms. Rettstatt entered into a contractual relationship to construct a new home with an entity doing business with her agency. Allegations Ms. Rettstatt misused her position as a Commissioner to influence the Belleair Community Foundation was dismissed with a finding of no probable cause.

The Commission considered a complaint against Palm Beach County Public Works Superintendent of Traffic **MICHAEL EHORA**. The Commission found no probable cause to believe that Mr. Ehora misused his public position or public resources by having county owned property at his personal residence.

In a related complaint against the Intake Manager for Palm Beach County **EVANGELINE RENTZ**, the Commission found no probable cause to believe Ms. Rentz used her public position to impede her agency's investigation into a fellow county employee.

No probable cause was found to believe Sumter County Sheriff **WILLIAM "BILL" FARMER** misused his position by wearing his Sheriff's office uniform while campaigning. The Commission also found no probable cause on allegations relating to the use of the Sheriff's Office insignia for his re-election campaign literature, signs, social media, and personal emails.

The Commission considered a complaint against Town of Jennings Council Member **JERRY PITTMAN**. The Commission found no probable cause to believe Mr. Pittman misused his position to display a photo of a town employee's paycheck at an improperly called Town Council meeting. Further, no probable cause was found to believe Mr. Pittman obtained the paycheck only by virtue of his official position, for the benefit of another person.

Likewise, the Commission dismissed two complaints, with a finding of no probable cause, alleging Town of Jennings Council Member **SAMANTHA PRUETER** and former Council Member **FELICIA COLLINS** misused their positions to hold an emergency meeting of the Town Council after the meeting had been cancelled, and then reinstating a terminated public employee to his former position. Similarly, no probable cause was found to believe that during the meeting they used confidential personnel documents available to them as public officers and gained by reason of their official position for the benefit of another person.

No probable cause was found to believe Riviera Beach City Council Member **JULIA BOTEL** misused her position to insert herself into, and take over the "Singer Island Beach Polo" event in order to benefit herself.

The Commission considered a complaint against North Miami Beach City Council member **MARY ESTIME-IRVIN**. The Commission found no probable cause to believe she violated Florida's financial disclosure laws by failing to properly disclose two Federal Tax Liens as liabilities on her 2016, 2017, 2018 and 2019 Form 1 disclosures.

The Commission considered a complaint against a former member of the Board of Supervisors and Vice Chair of the Harbor Bay Community Development District (CDD) **STEVE LOCKOM**. No probable cause was found to believe Mr. Lockom solicited or accepted anything of value based on the understanding it would influence his ranking of potential new landscaping contractors for the CDD's landscaping contract. Further, no probable cause was found on two additional allegations Mr. Lockom accepted things of value given to influence his actions or misused his position to benefit any of landscaping companies bidding on the CDD contract.

No probable cause was found to believe City of Destin Commissioner and Mayor **GARY JARVIS** misused his position by suggesting his private email be used to discuss a new development and thereby subvert the public records law .

The Commission considered a complaint against Town of Sewall's Point Mayor **FRANK FENDER**. No probable cause was found to believe Mr. Fender failed to complete the statutorily-required ethics training for calendar years 2017, 2018, and 2019. The Commission also found no probable cause to believe Mr. Fender failed to certify he had completed the required ethics training on his 2017, 2018, and 2019 Form 1 disclosures. An allegation that Mr. Fender misused his position to provide false

documentation to prove he completed ethics training in 2018 also was dismissed with a finding of no probable cause.

No probable cause was found to believe Dunnellon Mayor **CURTIS DALE BURNS** violated financial disclosure laws by failing to properly disclose an outstanding judgment which had been satisfied by him in 2013 as a liability on his 2019 Form 1 disclosure.

In a complaint filed against Suwanee County Administrator **RANDALL D. HARRIS**, the Commission found no probable cause to believe that he misused his position to ensure the County would assign ownership of a parcel of property to a private company owned by his former neighbor. In addition, an allegation that he used information not available to the general public for the benefit of himself or another was also dismissed with a finding of no probable cause.

In a related complaint, no probable cause was found to believe Suwanee County Attorney **JAMES W. PREVATT, JR.** misused his position to ensure the County would assign ownership of a parcel of property to a particular company. In addition, an allegation that he used information not available to the general public for the benefit of himself or another also was dismissed with a finding of no probable cause.

The Commission considered a complaint against Town of Belleair Shore Mayor **ROBERT B. SCHMIDT, JR.** No probable cause was found on allegations that Mr. Schmidt misused his position to issue parking passes for a lot designated for property owners to an individual who is not a property owner and not authorized to park in the lot. Similarly, no probable cause was found on an allegation Mr. Schmidt issued an open-ended parking pass to subcontractors not authorized to park in the subject lot while working at the home of a Town Commissioner.

In a related complaint, no probable cause was found to believe Town of Belleair Shore Town Clerk and Treasure **BARBARA A. COLUCCI** misused her position to issue a parking pass to a lawn service/non-resident of Belleair Beach for the benefit of a Town Commissioner; issue two parking passes to property owners of Belleair Shore to allow them to park in a lot for property owners in Belleair Beach; and issue parking passes to a construction company that is not an owner in Belleair Beach to allow its employees to park in a lot reserved exclusively for property owners.

No probable cause was found to believe City of Holmes Beach Councilmember **KIM RASH** violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit by asserting he did not have to comply with laws or regulations because various City department employees "work for him." Similarly, no probable cause was found to believe he misused his position regarding said conduct.

The Commission reviewed 13 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: **JACQUELINE DARDEN**, Villages of Bloomingdale Community Development District Chairperson; **JOHN DURRETT**, State Attorney, 3rd Judicial Circuit; **TERRENCE TYLER**, Florida Department of Law Enforcement Special Agent; **JENNIFER LYNN WOLF**, Florida Department of Law Enforcement Special Agent; **DEBRA ROBINSON**, Palm Beach County School Board Member, **MARY CARLSON**, Lucaya Community Development District Chairperson, **ANTHONY SABATINI**, State

Representative, District 32; **BARBARA PRICE**, North Lake County Hospital District Member; **JENNIFER L. BULLER**, City of Ocala Municipal Code Enforcement Inspector; **RICHARD DANIEL ZIEG**, Marathon City Council Member; **RICHARD RAMSAY**, Monroe County Sheriff; **DENNIS WARD**, State Attorney, 16th Judicial Circuit; **ELIZABETH NOCHECK**, Charlotte County Employee.

PUBLIC SESSION

During its public session meeting, the Commission considered a settlement agreement entered into between the Commission Advocate and former North Miami Beach City Council Member **FRANTZ PIERRE**. The Commission adopted the agreement finding Mr. Pierre: solicited or accepted funds or loans based upon an understanding it would influence his official capacity; accepted things of value when he knew, or should have known they were given to influence him; and misused his public position to obtain funds under the guise of a turkey giveaway and kept all or some of the money for himself. A civil penalty of \$1,000 and public censure and reprimand will be recommended to the Governor for imposition.

The Commission also adopted a settlement agreement between the Commission Advocate and former City of Palm Coast Mayor **MILISSA HOLLAND**. The agreement finds Ms. Holland violated the law by misusing her public position and/or public resources to send emails promoting her private employer from her City account sent to the City of Orlando. A civil penalty of \$1,000 will be recommended to the Governor for imposition.

A formal opinion adopted by the Commission finds a Board of Trustees member of the University of West Florida would not have a conflict of interest were their business to apply for a grant from the University's division of sponsored research.

Another opinion adopted by the Commission finds the Florida's Taxpayers' Rights Advocate would be restricted from personally representing persons or entities for compensation before the Department of Revenue for two years after leaving public employment.

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 September 10 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.