

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, March 5, 2021

*Agency for Health Care Administration
Ft. Knox Office Complex, 2727 Mahan Drive
Building 3, Room A
Tallahassee, Florida*

PUBLIC SESSION MINUTES

At 12:10 p.m. Chair JoAnne Leznoff called the meeting to order with the following members present:

MICHELLE ANCHORS
TRAVIS CUMMINGS
DON GAETZ
GLENTON GILZEAN, JR.
JOHN GRANT
JOANNE LEZNOFF
WILLIAM MEGGS
JIM WALDMAN

Antonio Carvajal was absent from the meeting.

The presence of a quorum was noted.

CONSIDERATION OF PROCESS: Chair Leznoff discussed Commission consideration of items presented to it, Roberts Rules of Order, and related subjects.

Commissioner Gaetz, seconded by Commissioner Gilzean, moved to approve the minutes of the February 5, 2021, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 19-154, In re DOUG BELDEN

Present were Richard E. Coates, Attorney for the Respondent; Alma R. Gonzales, Complainant; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed joint stipulation calling for a finding of violation of Section 112.313(2), Florida Statutes, but take no further action, and a finding of violation of Section 112.313(6), Florida Statutes, with recommendation of a civil penalty of \$4,000.

Commissioner Anchors, seconded by Commissioner Gilzean, moved to approve the proposed joint stipulation. The motion carried, with Commissioner Grant voting no.

Referral No. 19-158, In re THOMAS R. HARDEE

Present were Paul Hawkes and Mark V. Murray, Attorneys for the Respondent; and Melody A. Hadley, Commission Advocate.

Commissioner Leznoff disclosed that she is acquainted with Mr. Hawkes, Attorney for the Respondent.

Ms. Hadley summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Section 112.313(6), Florida Statutes, recommendation of public censure and reprimand, and a civil penalty of \$4,000.

Mr. Hawkes and Mr. Murray were heard by the Commission.

Commissioner Gaetz, seconded by Commissioner Gilzean, moved to reject the proposed pre-probable cause joint stipulation. The motion carried, with Commissioner Anchors and Commissioner Waldman voting no.

The matter then went to a consideration of probable cause, in which the Advocate and the Attorneys for the Respondent were heard.

Commissioner Gaetz, seconded by Commissioner Grant, moved to approve the Advocate's Recommendation of probable cause. By unanimous vote, the motion carried.

Complaint No. 20-210, In re ANGELA MONIQUE NIXON

Present were Ronald G. Meyer, Attorney for the Respondent; David Hodges, Complainant; and Elizabeth A. Miller, Commission Advocate.

Commissioners Gaetz and Grant disclosed that they are acquainted with the Respondent's Attorney.

Ms. Miller summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, and recommendation of a civil penalty of \$250.

Mr. Meyer was heard by the Commission.

Commissioner Waldman, seconded by Commissioner Anchors, moved to approve the proposed pre-probable cause joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF COSTS AND FEES PETITION

Complaint No. 20-002, In re KARYN CUNNINGHAM

Present were Mark Herron, Attorney for the Respondent; and Juan-Carlos Planas, Attorney for the Complainant.

Commissioner Leznoff disclosed that she is acquainted with the Respondent. Commissioner Waldman disclosed that he served in the Legislature with Mr. Planas.

Senior Attorney Caroline Klancke advised members that the petition was sufficient and recommended that it be heard before an Administrative Law Judge at DOAH.

Mr. Herron and Mr. Planas were heard by the Commission.

Commissioner Anchors, seconded by Commissioner Meggs, moved to refer the petition to DOAH. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINIONS

File 2773. VOTING CONFLICT OF INTEREST; MISUSE OF PUBLIC POSITION; ABUSE OF PUBLIC POSITION: COUNTY COMMISSION MEMBER VOTING ON PUBLIC OFFICER RETIREMENT COMPENSATION

Present were Alison Rogers (Escambia County Attorney) and Steven Barry (Escambia County Commissioner), Requestors.

Senior Attorney Caroline Klancke explained the basis of the draft advisory opinion and the rationale behind her conclusion.

There was discussion.

Commissioner Gaetz, seconded by Commissioner Grant, moved to approve the draft opinion with a language change for clarification. By unanimous vote, the motion carried.

File 2774. CONFLICT OF INTEREST; VOTING CONFLICT: CITY COUNCIL MEMBER'S BUSINESS SUBCONTRACTING ON CONTRACT BETWEEN CONTRACTOR AND SHERIFF'S OFFICE

Present was Lawsikia Hodges, Requestor.

Staff Attorney Steven Zuilkowski explained the basis of the draft advisory opinion and the rationale behind his conclusion, and offered a language change for clarification.

Ms. Hodges was heard by the Commission.

Commissioner Meggs, seconded by Commissioner Gilzean, moved to approve the draft opinion, as clarified. By unanimous vote, the motion carried.

CONSIDERATION OF ORDER DECLARING FINANCIAL DISCLOSURE FINE UNCOLLECTIBLE (LUCILLE FLAGELLO)

Commissioner Anchors, seconded by Commissioner Waldman, moved to declare the fine uncollectible. By unanimous vote, the motion carried.

CONSIDERATION OF RULEMAKING

Rule Chapter 34-7.010, F.A.C.

Senior Attorney Gray Schafer explained the changes in the Form 2 incorporated by reference in the rule being amended.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

Commissioner Waldman, seconded by Commissioner Meggs, moved to adopt the proposed rule/forms changes. By unanimous vote, the motion carried.

Rule Chapter 34-7.025, F.A.C.

Senior Attorney Gray Schafer explained the changes with ethics training incorporated by reference in the rule being amended.

The Chair asked whether there was anyone present who wished to be heard on the proposed rule changes; there was no one.

Commissioner Waldman, seconded by Commissioner Anchors, moved to adopt the proposed rule changes. By unanimous vote, the motion carried.

CONSIDERATION OF NEXT EXECUTIVE DIRECTOR

Chair Leznoff elaborated on the written materials previously provided to the Commissioners.

There was discussion.

Commissioner Anchors suggested, and it was agreed by the Commission, to change the language in the Proposed Advertisement to include 3 or more years' experience working with Florida Ethics Laws.

An Advisory Committee was created to include Commissioner Leznoff, Commissioner Gaetz, Commissioner Gilzean, and Commissioner Grant.

REPORTS

The Chair had no report.

Deputy Executive Director Kerrie Stillman elaborated on the legislative discussion previously provided to the Commissioners.

Commissioner Gaetz, seconded by Commissioner Cummings, moved to oppose SB 1756 and HB 1365. By unanimous vote, the motion carried.

Deputy Executive Director Kerrie Stillman updated the Commission on the e-filing system.

Executive Director Chris Anderson elaborated on his written report previously provided to the Commissioners. He informed the Commission that Investigator Charlie Fields is leaving the Commission. He also introduced new Commission Investigator Matthew Garrigan.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 3:27 p.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

JoAnne Leznoff, *Chair*

Date