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COMMISSION ON ETHICS
CONFIDENTIAL

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re MIKE GOMEZ,
Respondent.

Complaint No. 26-325

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, December 4, 2026, the Commission on Ethics met in public session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint, which includes an amendment, was filed by Rick Hays of Tallahassee, Florida.

2. The Respondent, Mike Gomez, is the Chairman of the Piney Z Community Development District ("CDD") Board of Supervisors in Tallahassee, Florida.

3. The complaint alleges that Respondent withheld financial information impacting the CDD's budget. Specifically, the Complaint alleges that CDD Board members are entitled to receive a $200 stipend per meeting, and that Respondent has not taken his stipend since he has been on the Board. However, the Complaint alleges that Respondent did not tell the other Board

Members that he was not taking his stipend. The complaint alleges this created a surplus in a line item of the CDD budget that none of the other Board members were aware of. The complaint alleges that at the last CDD Board meeting, the Board approved a $150 increase in homeowners' assessments. The complaint alleges that while the surplus created by Respondent not taking his stipend would not have eliminated the increase, it certainly would have mitigated some areas of the budget.

4. The Commission on Ethics has jurisdiction to investigate only those allegations "based upon personal knowledge or information other than hearsay." See § 112.324(1)(a), Fla. Stat. (requiring an allegation to be based on personal knowledge or information other than hearsay to be legally sufficient for investigation). The allegations in paragraph 3 appear, in part, to be based on personal knowledge or information other than hearsay, as Complainant states that he sits on the Piney Z Board of Supervisors and is aware of the CDD's budget process. To the extent the complaint alleges that Respondent has not taken his stipend, however, this allegation appears to be based on information provided to Complainant by the President of the Piney Z HOA. A statement made by the HOA President to Complainant would likely constitute inadmissible hearsay under Section 90.801, Florida Statutes (defining hearsay as an out of court statement made by someone other than the declarant that is offered to prove the truth of the matter asserted). And it does not appear that this statement would be admissible under any of the hearsay exceptions contained within Sections 90.801 through 90.805, Florida Statutes.[1] However, even accepting the

[1] Rule 34-5.002(2)(a)2. of the Florida Administrative Code states an allegation in an ethics complaint will be considered based on information other than hearsay so long as the evidence supporting the allegation is hearsay that is, or likely would be, admissible under Section 90.801 through 90.805, Florida Statutes. See also Florida Elections Commission v. Valliere, 45 So.3d 506 (Fla. 4th DCA 2010).

allegations as true, they do not provide a legally sufficient basis for investigation as explained below.

5. Section 112.313(6), Florida Statutes, is the only statutory prohibition over which the Commission has jurisdiction that is relevant to the allegations in the complaint. Section 112.313(6) states:

> MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as:

> . . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

To indicate a possible violation of the statute, a complaint must allege, in a factual, substantive, nonconclusory manner that a respondent corruptly used or attempted to use his or her public position or resources within his or her public trust, or that he or she corruptly performed his or her official duties, in order to specially benefit himself, herself or another; it is not enough that a detriment to a complainant or another is alleged.

6. The complaint substantively fails to indicate a possible violation of Section 112.313(6). Here, while Respondent's conduct may have created a detriment in relation to the CDD's budget process, there is no indication that Respondent, or anyone with whom he has a private-capacity nexus, benefitted from this alleged conduct in any way. For instance, the allegation is not that Respondent gave himself a financial benefit that he was not entitled to receive, but rather, that Respondent forfeited a financial benefit that he was entitled to receive. While this

may have created surplus problems in terms of the budget, without an allegation of a personal benefit to Respondent, this is not enough to constitute a violation of the statute. For these reasons, the allegations in the complaint do not form a sufficient basis to initiate an investigation under Section 112.313(6).

7. We also find the allegations in paragraph 3, above, cannot constitute a violation of the prohibition currently found in Article II, Section 8(h)(2) of the State Constitution because, even if accepted as true, they do not identify in a factual, nonconclusory manner, any disproportionate benefit to Respondent, Respondent's spouse, children, or employer, or any business with which Respondent contracts, in which Respondent is an officer, partner, director, or proprietor, or in which Respondent owns an interest, as would be needed to constitute a violation of the constitutional prohibition.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.[2]

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[2] The amendment to the complaint contends that Respondent brought up this complaint at a Board meeting and stated he was providing the documents for informational purposes. The amendment alleges that Respondent also introduced a resolution for the Board to pay attorney's fees on certain matters, and asked a hypothetical question of the Board Attorney regarding whether the complaint against him could be covered. The complaint alleges that Respondent then proceeded to argue his position on the case (it is unclear if the "case" being referred to is the complaint, or the question of whether or not Respondent's attorney's fees could be covered). These allegations are insufficient to warrant an investigation into Respondent under Section 112.313(6) or the Constitutional prohibition in Article II, Section 8(h)(2), as they are not indicative of any special benefit to himself. Rather, it appears that there was a legitimate public purpose behind both the discussion (which concerns Respondent's public-capacity conduct) and the question asked of the Board Attorney (which also concerns public business and the expenditure of public funds).

The amendment to the complaint also alleges that Respondent is a retired certified public accountant ("CPA"). The complaint alleges that Respondent acts as a CPA despite the Board employing a management company with an accounting section. The complaint alleges that, in this vain, Respondent made changes to the Board's approved budget after it had been approved. However, the complaint fails to allege how Respondent, or anyone else with whom he has a close

ORDERED by the State of Florida Commission on Ethics meeting in public session on Friday, December 4, 2026.

_____
Date Rendered

_____
Jeremy M. Rodgers
Chair, Florida Commission on Ethics

JMR/aln

cc: Mr. Mike Gomez, Respondent
Mr. Rick Hays, Complainant

capacity nexus, benefitted from this conduct in any way. As such, the allegation is insufficient to warrant an investigation into Respondent.