

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, December 3, 2021

*Third Floor Courtroom, First District Court of Appeal
2000 Drayton Drive
Tallahassee, Florida*

PUBLIC SESSION MINUTES

At 8:30 a.m. Chair JoAnne Leznoff called the meeting to order with the following members present:

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

The presence of a quorum was noted.

Commissioner Gaetz, seconded by Commissioner Cummings, moved to approve the minutes of the October 13, 2021, Public Budget Meeting/Workshop. By unanimous vote, the motion carried.

Commissioner Grant, seconded by Commissioner Carvajal, moved to approve the minutes of the October 22, 2021, Public Session meeting. The motion carried, with Commissioner Leznoff not voting.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 20-170, In re BETSY VANDERLEY

Present were Bucky Mitchell, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed joint stipulation calling for a finding of violation of Section 112.3143(3)(a), Florida Statutes, with a recommendation of a civil penalty of \$1,000.

Mr. Mitchell was heard by the Commission.

Commissioner Grant, seconded by Commissioner Cummings, moved to approve the proposed joint stipulation. By unanimous vote, the motion carried.

CONSIDERATION OF LEGAL SUFFICIENCY

Executive Director Kerrie Stillman recommended that the complaint be dismissed as legally insufficient based on the rationale contained in the written recommendation previously provided to Commissioners.

Commissioner Grant, seconded by Commissioner Waldman, moved to approve the staff's recommendation. By unanimous vote, the motion carried.

CONSIDERATION OF ADVISORY OPINION

File 2785. GIFT ACCEPTANCE AND DISCLOSURE: SCHOOL DISTRICT PAYING SALARIES OF SCHOOL BOARD MEMBERS WITH FUNDS FROM VARIOUS SOURCES

Commissioner Carvajal disclosed that his company, Florida Tax Watch does ongoing work with the School Board, unrelated to the instant opinion.

Senior Attorney Steve Zuilkowski explained the basis of the request to withdraw the advisory opinion for Question 2 and the rationale behind the staff recommendation as to the withdrawal request.

Commissioner Gaetz, seconded by Commissioner Grant, moved to deny the withdrawal request as to Question 2. The motion carried, with Commissioner Anchors, Commissioner Meggs, and Commissioner Waldman voting no.

Senior Attorney Steve Zuilkowski explained the rationale with respect to the revised advisory opinion draft for Question 2.

Commissioner Gaetz, seconded by Commissioner Waldman, moved to defer the opinion in its entirety. Commissioner Waldman withdrew his second after further discussion.

Commissioner Gaetz, seconded by Commissioner Grant, moved to reject the draft opinion with respect to Questions 1 and 2, and hold the matter in abeyance until the legal issues underlying the matter are resolved by the Courts. The motion carried, with Commissioner Anchors, Commissioner Meggs, and Commissioner Waldman voting no.

CONSIDERATION OF FINAL ORDERS ON FINANCIAL DISCLOSURE FINES WHERE THERE HAS BEEN NO TIMELY APPEAL AND NO PAYMENT

Commissioner Carvajal, seconded by Commissioner Cummings, moved to approve the entry, as put forth by the Commission staff, of Final Orders on financial disclosure fines where there has been no timely appeal and no payment. The motion carried, with Commissioner Grant temporarily not present.

REPORTS

The Chair thanked Commissioner Grant for chairing the last 2 meetings in her absence. Commissioner Gaetz clarified the request for an aging report on all cases older than 6 months.

Executive Director Kerrie Stillman elaborated on her written report previously provided to the Commissioners. She informed the Commission of the Rule Challenge in re Beruff. She also introduced new staff attorney Suhail Chhabra.

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

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

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 10:40 a.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

JoAnne Leznoff, *Chair*

Date