

EXECUTIVE DIRECTOR'S REPORT

TO: Members, Commission on Ethics

FROM: Kerrie Stillman
Executive Director

DATE: February 22, 2023

ADVISORY OPINIONS

The Commission on Ethics did not issue any advisory opinions at its December meeting. It has rendered 2,694 opinions since its inception in 1974.

LITIGATION

Case Number 1D21-3115, Patrick Loebig v. Florida Commission on Ethics. This was an appeal of CEO 21-9 regarding the Taxpayers' Rights Advocate. Oral argument occurred on July 12, 2022. Gray Schafer argued the case. The District Court issued its ruling on February 1, 2023, and reversed the Commission's determination, although it noted in the opinion that the Commission had "advanced sound arguments" and stated "[t]his is a difficult case."

Case Number 1D22-924, Daphne Campbell v. Florida Commission on Ethics. This is an appeal of Complaint No. 18-090. The Commission filed an Answer Brief on November 7, 2022. The Appellant's Reply Brief was due December 7, 2022. Appellant did not file a Reply Brief by that date but, on December 14, 2022, filed a Motion for an Extension of Time to Submit a Reply Brief. The Commission filed a notice opposing the extension request, arguing, among other things, that the motion was untimely brought after the Reply Brief was due. The First District Court of Appeal ultimately granted the motion for an extension in part, giving Appellant until December 22, 2022, to serve the Reply Brief, and warning that no further extensions would be granted without a bona fide case of emergency. Appellant filed her Reply Brief on December 22, 2022. On January 3, 2023, the Commission filed a Motion to Strike the Reply Brief on the basis that it raised entirely new arguments not addressed in the Initial Brief. In the alternative, the Commission asked that it be given leave to file a limited response to the arguments raised in the Reply Brief. On January 20, 2023, the Court issued an order deferring a ruling on the motion to the panel of judges considering the merits of the appeal. Neither party requested oral argument, so we await the Court's ruling on the merits. Gray Schafer, Melody Hadley, and Steve Zuilkowski are handling the appeal.

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This is an appeal of Complaint No. 17-082. The Appellant filed the Initial Brief. The Answer Brief is due March 19, 2023. Joe Burns, Melody Hadley, and Steven Zuilkowski are handling the appeal.

Case Number 1D22-3429, Douglas Underhill v. State of Florida, Commission on Ethics. This is an appeal of Complaint Nos. 20-060, 20-073, and 20-103 (cons.). The Appellant's Initial Brief is due March 6, 2023. Elizabeth Miller, Gray Schafer, and Steven Zuilkowski are handling the appeal.

Case 1:22-cv-24156, Garcia et al. v. Stillman et al. (United States District Court Southern District of Florida). Plaintiffs are local public officers. They are challenging the

validity of the prohibitions of Article II, Section 8(f)(1)-(3), Florida Constitution. Plaintiffs filed a motion for a preliminary injunction and arguments were heard on January 27, 2023. Defendants filed a motion to dismiss. All briefs for both the motion for preliminary injunction and the motion to dismiss have been filed and we now await rulings on both. Karen Brodeen of the Office of the Attorney General is lead counsel for the Defendants. Steven Zuilkowski is monitoring on behalf of the Commission.

Case Number 1D22-3596, James Ballard v. State of Florida Commission on Ethics. Appellant is an inmate of the Alachua County Jail. Appellant filed numerous ethics complaints with the Commission against various individuals, but the Commission rejected those complaints for failure to comply with Rule 34-5.001, F.A.C. The Supreme Court of Florida transferred the matter to the Circuit Court of the Second Judicial Circuit, in and for Leon County. The Second Judicial Circuit dismissed the matter with prejudice on October 3, 2022. On October 28, the Second Judicial Circuit ordered the Clerk to close the case. On November 7, 2022, Ballard filed a Notice of Appeal of the Second Judicial Circuit's Order Striking Motions and Quashing Service in the First District Court of Appeal and filed an Amended Notice of Appeal on December 27, 2022. On January 31, 2023, in James Ballard v. State of Florida, Case Number 1D22-3995, (the Commission is not a party to this case), the First District Court of Appeal barred the Appellant from all future pro se filings at that Court, due to his "apparent abuse of the legal process by the repetitious and frivolous pro se filings challenging both his pending criminal charges and bringing frivolous cases regarding various civil proceedings." The Court ordered that Appellant's future filings must be filed by a member in good standing of the Florida Bar. Appellant's Initial Brief is due March 7, 2023. Kathy Heyward and Steve Zuilkowski are handling this matter.

FINANCES

January 31, we've spent \$1,478,646.95 (53.53%) of our appropriation, with 58.33% of the FY gone.

PUBLIC SPEAKING ENGAGEMENTS

Gray provided a 65-minute overview of the Code of Ethics on January 30, 2023, in Orlando at the Florida Public Pension Trustee's Association's Winter Trustee School.

Steve conducted a 30-minute training for new Supervisors of Election (various counties were represented) in Tallahassee on February 6, 2023.

Steve also conducted a 120-minute training for the Property Appraisers Association of Florida at their Mid-Winter Conference in Tallahassee on February 9, 2023.

Also on February 9, 2023, Steve attended a public meeting of the Florida Coordinating Council for the Deaf and Hard of Hearing at the Council's invitation to answer questions about financial disclosure and other topics for 75 minutes.

On March 3, 2023, Kathy, Gray, and Steve will be delivering 50-minute presentations at the Florida Bar's 2023 Sunshine Law, Public Records, and Ethics for Public Officers and Public Employees in Orlando.

On March 17, 2023, Steve will be delivering a 45-minute presentation for the Florida Bar's City, County, and Local Government Law Certification Review Course via webinar.

PENDING ORDERS IMPOSING PENALTIES

GOVERNOR

Complaint No. 15-178, In re Michael S. Murphy (Final Order 08/03/16)
Complaint No. 17-108, In re Joel Davis (Final Order 06/13/18)
Complaint No. 17-088, In re Cheryl Thomas-Hughes (Final Order 12/12/18)
Complaint No. 16-062, In re Dennis McDonald (Final Order 10/30/19)
Complaint No. 18-211, In re Thomas L. Clyce (Final Order 02/10/21)
Complaint No. 19-154, In re Doug Belden (Final Order 03/10/21)
Complaint No. 18-168, In re Dustin Daniels (Final Order 04/21/21)
Complaint No. 18-047, In re Brian Burkeen (Final Order 04/21/21)
Complaint No. 19-158, In re Thomas R. Hardee [Referral] (Final Order 04/21/21)
Complaint No. 20-124, In re Francis David Bourrie (Final Order 06/09/21)
Complaint No. 19-192, In re Marilyn D. Sconions (07/28/21)
Complaint No. 20-054, In re Milissa Holland (Final Order 09/15/21)
Complaint No. 16-130, In re Frantz Pierre (Final Order 09/15/21)
Complaint No. 20-125, In re Muhammad Amin (Final Order 10-27-21)
Complaint No. 20-225, In re Alexis P. Rodriguez (Final Order 10-27-21)
Complaint No. 21-077, In re Reginald Sessions (Final Order 10-27-21)
Complaint No. 20-170, In re Betsy Vanderley (Final Order 12-8-21)
Complaint No. 18-141, In re Andreana Jackson (Final Order 1-26-22)
Complaint No. 18-020, In re Joseph Kilsheimer (Final Order 1-26-22)
Complaint No. 20-144, In re Gabriel Garcia (Final Order 3-9-22)
Complaint No. 21-093, In re Dale V.C. Holness (3-9-22)
Complaint No. 21-162, In re Cynthia Stuart (3-9-22)
Complaint No. 21-113, In re Dennis Ward (4-27-22)
Complaint No. 20-186, In re R.C. "Rick" Lussy (Final Order 6/8/2022)
Complaint No. 17-082, In re Carlos Beruff (Final Order 7/27/2022) *on appeal
Complaint No. 18-044, In re Dorothy Miles (Final Order 7/27/2022)
Complaint No. 20-100, In re David N. Tolces (Final Order 7/27/2022)
Complaint No. 20-120, In re Randall Merritt (Final 9/9/2022)
Complaint No. 20-165, 20-184 (cons), In re Omari Hardy (Final Order 9/9/2022)
Complaint No. 22-006, In re MaryBeth Henderson (Final Order 9/9/2022)
Complaint No. 22-009, In re Celso Alfonso (Final Order 9/9/2022)
Complaint No. 20-060,
20-073, 20-103(Cons.), In re Douglas Underhill (Final Order 10/26/2022) *on appeal
Complaint No. 20-116, In re Chandler Williamson (Final Order 10/26/2022)
Complaint No. 21-204, In re Rodney J. Braden (Final Order 10/26/2022)
Complaint No. 21-236, In re Richard Nelson (Final Order 10/26/2022)

Complaint No. 22-060, In re Robin Hatcher (Final Order 10/26/2022)
Complaint No. 21-052, 21-057, 21-060, & 21-064 (Cons), In re Vanessa Baugh (2/1/2023)

HOUSE

Complaint No. 18-026, In re Kim Daniels (Final Order 1/30/2019)
Complaint No. 20-206, In re Jackie Toledo (Final Order 10/27/2021)
Complaint No. 20-211, In re Tracie Davis (Final Order 10/27/2021)
Complaint No. 21-159, In re Tracie Davis (Final Order 6/8/2022)

SENATE

Complaint No. 18-090, In re Daphne Campbell (Final Order 3/9/2022) *on appeal

**PENDING ACTION ON STATUTORILY-GENERATED LOBBYING FIRM AUDIT
MATTERS (GOVERNOR AND CABINET)**

Complaint No. 16-017, In re Dean Mead (Probable Cause 01/27/17)
Complaint No. 16-018, In re Buigas and Associates (Probable Cause 01/27/17)
Complaint No. 16-019, In re DDarling Consulting (Probable Cause 01/27/17).
Complaint No. 16-174, In re Kathy Till and Associates, Inc., (Probable Cause 08/02/17)
Complaint No. 16-170, In re Capitol Group, Inc., (Probable Cause 10/25/17)
Complaint No. 16-173, In re Johnson Strategies, LLC (Probable Cause 12/13/17)
Complaint No. 16-175, In re Sayfie Law Firm (Probable Cause 10/25/17)
Complaint No. 17-132, In re Andrew J. Liles (Probable Cause 08/01/18)
Complaint No. 17-134, In re Lester Abberger (Probable Cause 08/01/18)
Complaint No. 17-135, In re Pruitt and Associates (Probable Cause 08/01/18)
Complaint No. 17-136, In re Wilson and Associates, LLC (Probable Cause 08/01/18)
Complaint No. 17-137, In re TC Wolfe (Probable Cause 08/01/18)
Complaint No. 19-031, In re Impact GR (Probable Cause 09/18/19)
Complaint No. 20-055, In re All Florida Solutions, Inc. (Probable Cause 03/10/21)
Complaint No. 20-056, In re Carr Allison (Probable Cause 03/10/21)
Complaint No. 20-058, In re Pyle and Associates (Probable Cause 03/10/21)
Complaint No. 21-127, In re Diana Hadi Padgett (Probable Cause 12/3/21)
Complaint No. 21-128, In re CJT Strategies, LLC (Probable Cause 12/3/21)
Complaint No. 22-074, In re Capitol Strategy Group (12/2/22)
Complaint No. 22-075, In re Buchanan, Ingersoll, and Rooney (12/2/22)



Florida Coordinating Council for the Deaf and Hard of Hearing

Thank you for your informative presentation to our Council, and community of people who are Deaf or Hard of Hearing. We appreciate the time, effort and preparation that you took to share your expertise with us.

Sincerely,

The FCCDHH Council

Angie Green
Debra
Chris Littlewood
Ed Baker
Curly *Glenna Ashton* *Mary Hodges*