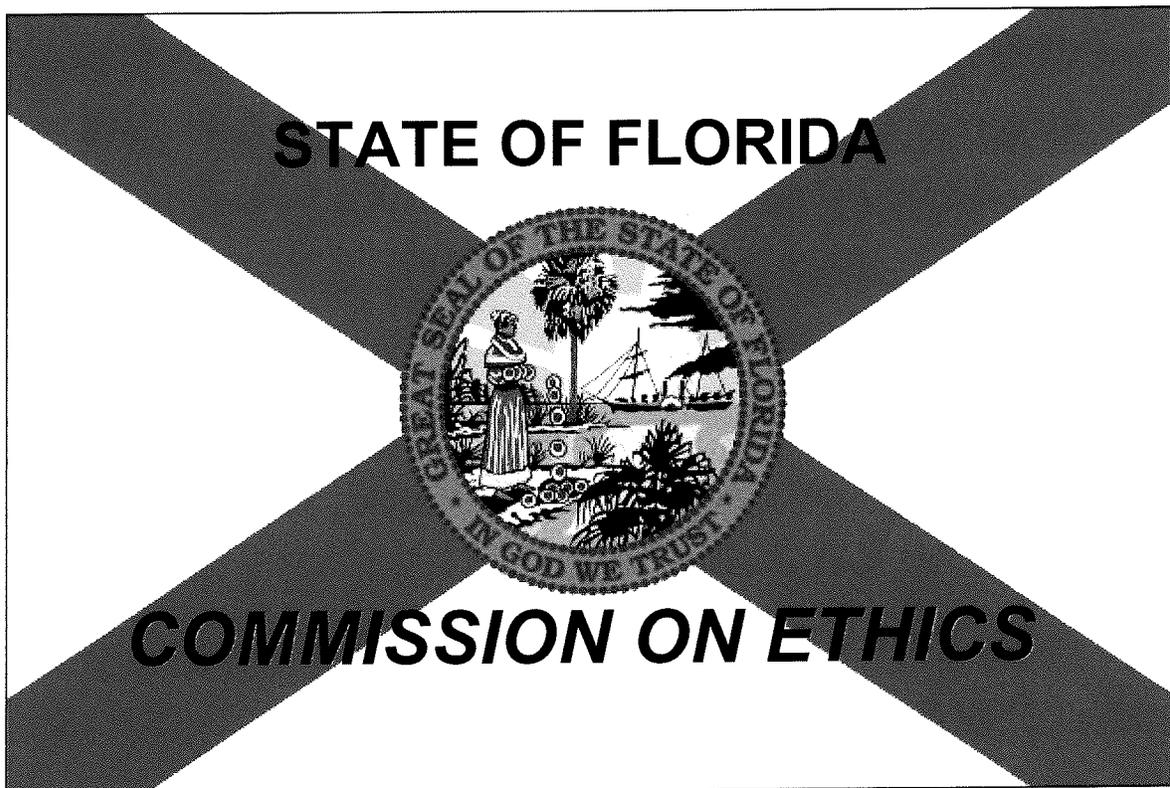


# REPORT OF INVESTIGATION



Complaint Numbers 22-178 and 22-185 (Consolidated)

## NOTICE CONCERNING CONFIDENTIALITY

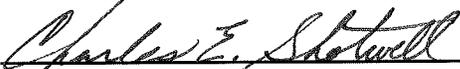
This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter. \*See Section 112.3215, Florida Statutes, regarding executive branch lobbying matters and confidentiality.

STATE OF FLORIDA  
COMMISSION ON ETHICS  
Post Office Drawer 15709  
Tallahassee, Florida 32317-5709

## REPORT OF INVESTIGATION

TITLE: STEPHANIE BUSIN  
Board Member  
Hendry County School Board  
Labelle, Florida

COMPLAINT NOs.: 22-178 and 22-185 (Consolidated)  
Exhibits A through C

INVESTIGATED BY:   
Charles E. Shotwell

Distribution: Commission on Ethics  
Respondent  
Advocate  
File

Releasing Authority:   
Kerrie J. Stillman  
Executive Director

April 20, 2023  
Date

\* \* \* \*

**REPORT OF INVESTIGATION  
COMPLAINT NOs. 22-178 and 22-185 (Consolidated)**

- (1) The complaints in this matter were filed by Mr. Eric Green (22-178), and Ms. Ashley Davis (22-185), both of Clewiston, Florida. The Complainants allege that the Respondent, Ms. Stephanie Busin, a Hendry County School Board Member, violated the Code of Ethics for Public Officers and Employees.
- (2) The Complainants allege that the Respondent used opportunities to speak to students about elections and voting in her official capacity to distribute her campaign materials to them.
- (3) The Executive Director of the Commission on Ethics noted that based upon the information provided in the complaints, the above-referenced allegations were sufficient to warrant a preliminary investigation to determine whether the Respondent's actions violated Section 112.313(6), Florida Statutes (Misuse of Public Position).
- (4) Complainant Green alleges that the Respondent visited various schools in Hendry County and made presentations to third grade students about elections and voting. Mr. Green alleges the Respondent provided campaign materials to students and took photos with them holding the Respondent's campaign sign (Exhibit A). The photos included in Exhibit A were taken at Eastside Elementary School and Clewiston Christian School.
- (5) Complainant Davis alleges the Respondent took campaign materials and t-shirts to Clewiston Christian School for students. Ms. Davis alleges that the Respondent explained during a subsequent School Board meeting that her actions were not inappropriate because Clewiston Christian School is a private school, and not a part of the Hendry County School District.
- (6) The Respondent, interviewed by telephone, was running for re-election to the School Board during the fall 2022. She said she was invited by Ms. Amy Palladino, a teacher at Clewiston Christian School, to speak to her third grade class about elections and voting. The Respondent confirmed she took campaign signs and t-shirts, along with other campaign materials, to share with students. Clewiston Christian School, she noted, is not part of Hendry County School District.
- (7) Ms. Palladino confirmed by telephone that she invited the Respondent to speak to her class about elections and voting, and also confirmed the Respondent gave students t-shirts and other campaign materials. Additionally, she confirmed photos were taken with the students wearing the Respondent's campaign t-shirts and holding the Respondent's campaign sign.
- (8) The Respondent acknowledged she also made a presentation to Ms. Nicole Balon's third grade class at Eastside Elementary School on October 13, 2021, part of the Hendry County School District, on the topic of elections and voting. The Respondent said she was invited to speak to the students by Ms. Balon. The Respondent confirmed campaign materials, to include t-shirts, were provided to the students.

(9) Ms. Balon confirmed by telephone that she invited the Respondent to speak to her class about elections and the political process and that the Respondent brought campaign t-shirts and other materials to give to the students. Ms. Balon said when she and Principal Denise Gibson learned campaign materials had been given to the students they collected those materials and did not allow the students to take the materials home.

(10) Mr. Michael Swindle, Hendry County School Superintendent, confirmed by telephone that the Respondent made a presentation to Ms. Balon's third grade class at Eastside Elementary School on October 13, 2022. He said the Respondent was invited to speak on the topic of voting and elections. Mr. Swindle said, at some point during the presentation, the Respondent went into "campaign mode." He said the Respondent presented students with a "goody bag" containing campaign materials and also took photos with the students. Mr. Swindle opined this activity violated School District policy placing the Board in a position to be liable for potential exploitation of children and political gain for the Respondent.

(11) Review of the video of the October 18, 2022, School Board meeting reflects the Respondent, in response to comments made by Mr. Swindle, defended providing t-shirts and other campaign material to the students by noting the students were too young to vote. She said she wanted the students to put "a face" with the campaign sign. The Respondent said she understood that campaigning on school grounds is not permitted but, she said, she did not believe she was campaigning. She maintains the materials she brought to the classroom were for educational purposes only. The Respondent noted that photos she took with students that were posted to her campaign website were not Hendry County School District students. Rather, she said, they were students at Clewiston Christian School.

(12) In response to the Respondent's activities as described in the instant complaints, Mr. Swindle presented a Resolution (Exhibit B) to the Board describing the classroom visit by the Respondent as a "premeditated decision" to use the platform for personal political gain. Through the Resolution, the School Board said it "found it necessary to disavow any such posts, statements, representations, actions, or conduct by Mrs. Stephanie Busin." The Resolution also states it was intended to "separate the corporate entity of the Hendry County School Board from the unethical violations made by Mrs. Stephanie Busin." The Resolution also identified the District Bylaws and District Policy the Respondent violated.

(13) Although the Resolution (Exhibit B) indicates the Respondent posted a picture from her visit to Eastside Elementary School showing students holding their "goody bags" and the Respondent's campaign sign, the only photographs identified during the instant investigation were pictures taken at Clewiston Christian School.

## **END OF REPORT OF PRELIMINARY INVESTIGATION**

**EXHIBIT A**

**EXHIBIT A**

9:44

LTE



Stephanie Busin for Hendry County...



Stephanie Busin for Hendry County School Board, District 4

25m · 🌐

What an amazing privilege to spend the last couple of mornings with local third graders and be a guest speaker as part of their unit study on elections and voting! These kids are so awesome and I absolutely love working for all of them. I hope they enjoyed their time with me as much as I enjoyed my time with them. 🍎🍏🍎

👍👍 3

👍 Like

💬 Comment

➦ Share



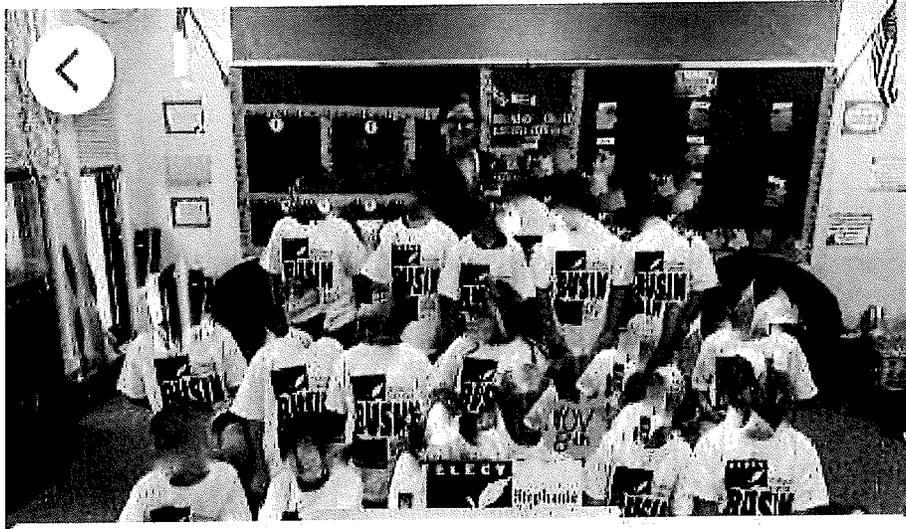
👍 Like

💬 Comment

➦ Share



AI



-  Add to album
-  Move to Archive
-  Delete from device
-  Save as PDF
-  Use as profile picture

Thu, Oct 13, 2022 · 11:33 AM

Add description...

DETAILS

 **IMG\_0774.PNG**  
1.5MP 828 x 1792 3.8 MB

 **Backed up**  
Original quality

 Add a location

 Edit date & time

A7

**EXHIBIT B**

**EXHIBIT B**



**Hendry County School Board**

*Dedicated to Excellence in Education*

**ALL IN ALL THE TIME**

*District 1: Dwayne E. Brown, Vice Chairman District 2: Paul Samerdyke District 3: Amanda Nelson, Chairman  
District 4: Stephanie Busin District 5: Jon Basquin*

**RESOLUTION: Hendry County School Board**

WHEREAS, the Hendry County School Board is aware of the classroom visit that was made by Mrs. Stephanie Busin to be the guest speaker in a 3<sup>rd</sup> grade classroom at Eastside Elementary School on October 13, 2022 to speak on the topic of elections and voting. During her visit, Mrs. Busin used this platform for personal political gain with her campaign materials. Mrs. Busin provided each student with campaign flyers and bags of campaign materials to take home and posed for a picture with students holding these bags and her political campaign sign, and subsequently posted this picture on her political campaign page, Stephanie Busin for Hendry County School Board, District 4.

WHEREAS, Mrs. Busin has violated District Bylaw po0141.2, Conflict of Interest, Subparagraph 6. Disproportionate Benefit and Subparagraph 7. Misuse of Public Position as well as District Policy po9700 Relations with Special Interest Groups, Subparagraph A. Political Interests.

WHEREAS, the corporate entity of Hendry County School Board finds it necessary to take affirmative action to disavow any such posts, statements, representations, actions, or conduct by Mrs. Stephanie Busin.

BE IT THEREFORE RESOLVED that the Hendry County School Board does not approve of, condone, affirm, or ratify any statements, actions, conduct, or unethical actions made by Mrs. Stephanie Busin for personal political gain.

BE IT FURTHER RESOLVED that the Hendry County School Board Bylaws and Policies strictly prohibit any individual member of the Board to use any district property, any type of educational materials, programs, or equipment for their own personal political gain. No Board member shall use their official position on any property or resource within their trust, nor perform their official duties for personal political gain. Any such statement, representation, action or conduct of an individual board member is not, and does not represent, the official position of the corporate entity of the Hendry County School Board.

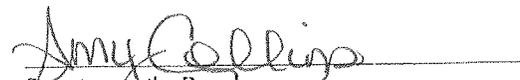
BE IT FURTHER RESOLVED that the intent of this resolution is only to disavow statements, representations, actions and/or conduct of any individual Board member who has unethically used their elected position in order to obtain personal political gain. This resolution is not intended to give credence to any complaint or allegation made; however, it is intended to separate the corporate entity of the Hendry County School Board from the unethical violations made by Mrs. Stephanie Busin.

Adopted this 6th day of November, 2022.

  
\_\_\_\_\_  
Hendry County School Board Chairman

ATTEST:

  
\_\_\_\_\_  
Hendry County School Superintendent

  
\_\_\_\_\_  
Secretary to the Board

B-1

**EXHIBIT C**

**EXHIBIT C**



Book	Policy Manual
Section	0000 Bylaws
Title	CONFLICT OF INTEREST
Code	po0141.2
Status	Active
Adopted	July 12, 2016
Last Revised	October 20, 2020

#### 0141.2 - **CONFLICT OF INTEREST**

In addition to the provisions of Bylaw 0124 pertaining to standards of ethical conduct, a School Board member shall not have any direct financial interest in a contract with the School District nor shall s/he furnish directly any labor, equipment, or supplies to the District.

Further, Board members are governed by the Florida Constitution, the *Code of Ethics for Public Officers and Employees*, Part III of F.S. Chapter 11, other statutes in the school code, and the Florida Commission on Ethics.

The following is a summary of the Constitutional and statutory mandates. They are not definitive rules and the statute must be consulted for applicable definitions and for exemptions.

##### A. Standards of Conduct

###### 1. Gifts

No Board member shall accept a gratuity, gift, or favor that might influence professional judgment or obtain special advantages. No Board member may either solicit or accept anything of value - including a gift, loan, reward, promise of future employment, favor, or service - that is based on any understanding that the vote, official action, or judgment of the Board member would be influenced by such gift.

###### 2. Other Prohibited Gifts

No Board member may solicit any gift, food, or beverage from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (or the partner, firm, employer, or principal of the lobbyist). No Board member or any person on behalf of the Board member may knowingly accept, directly or indirectly, a gift from a person, vendor, potential vendor, any other entity doing business with the Board, political committee or committee of continuous existence, or from a lobbyist who lobbies the Board (and related individuals and entities, including, but not limited to, the partner, firm, employer, or principal of the lobbyist), if the Board member knows or reasonably believes the gift has a value in excess of \$50 - unless the gift is accepted on behalf of and transferred promptly to a governmental entity or a charitable organization, or is given to the Board member by a governmental entity for a public purpose. Gifts from relatives and gifts associated primarily with the recipient's employment or business are not prohibited. Food or beverage consumed at a single sitting or event may be accepted.

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

###### 3. Honoraria

No Board member may solicit an honorarium related to the member's public office or duties. No Board member may

solicit an honorarium from a person, vendor, potential vendor, or other entity doing business with the Board, from a political committee, or from a lobbyist (and related individuals and entities) who lobbies the reporting individuals agency. The term "honorarium" does not include payment for services related to employment held outside the position of Board member which requires disclosure. Actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium even for a Board member and spouse may be accepted. (See F.S. 112.3149)

"Vendor" is defined as a business entity doing business directly with the Board, such as renting, leasing, or selling realty, goods, or services. (See F.S. 112.3148)

#### 4. Doing Business with One's Agency

No Board member acting in his/her official capacity may, directly or indirectly, purchase, rent, or lease any realty, goods, or services from a business entity in which the Board member, his/her spouse, or child is an officer, partner, director, or proprietor, or in which the Board member, his/her spouse, or child (or any combination of them) owns a material interest. Nor may a Board member, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the Board or any of its agencies.

#### 5. Unauthorized Compensation

No Board member or his/her spouse or minor child may accept any compensation payment, or thing of value which, with the exercise of reasonable care, is known or should be known to influence the vote or official action of such Board member.

#### 6. Disproportionate Benefit

Board members are prohibited from abusing their position in order to obtain a "disproportionate benefit" for themselves, their spouse, children, employer, or entities with which they have certain business interests. A disproportionate benefit means a benefit, privilege, exemption, or result arising from an act or omission by a public officer that is inconsistent with the proper performance of their public duties.

#### 7. Misuse of Public Position

No Board member shall corruptly use or attempt to use his/her official position or any property or resource within his/her trust or perform his/her official duties, to secure or obtain a special privilege, benefit, or exemption for the Board member or others.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

#### 8. Disclosure or Use of Certain Information

Board members shall not disclose or use information not available to members of the general public and gained by reason of his/her official position for his/her personal gain or benefit of any other person or business entity.

#### 9. Employees Holding Office

A Board employee shall not be a member of the Board while simultaneously continuing as an employee.

### B. Voting Conflicts

A Board member shall not vote in an official capacity on any matter which would inure to his/her special gain or loss, or to the special gain or loss of a principal by whom s/he is retained, or to the parent organization or subsidiary of a corporate principal by which s/he is retained, or to the special gain or loss of a relative or business associate.

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the School District, the Board member shall declare his/her interest and refrain from debating or voting upon the question of contracting with the company.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

The Board member shall make every reasonable effort to disclose the nature of the Board member's interest as a public record in a memorandum filed with the Board's secretary. If it is not possible for the Board member to file a memorandum before the vote, the memorandum must be filed within fifteen (15) days with the Board's secretary.

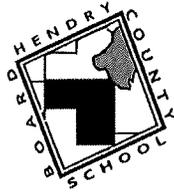
C. Additional Provisions

1. Board members shall accept no gifts from any individual, firm, or business entity which the Board member has reason to believe is doing business with or seeking to do business with the District. Meals and admissions to events that relate directly to the school system may be accepted.
2. Board members shall not participate in trips paid by a vendor or potential vendor for the purpose of inspecting products or programs useful to the District. Such trips, if deemed necessary, shall always be made at District expense and approved by the Board at a public meeting.
3. Board members, their spouses, or campaign committees shall not solicit any vendor or any employee of this District to make contributions to any political campaign or testimonial.
4. Board members shall not solicit nor accept personal discounts on merchandise or services from individuals, firms, or business entities that the Board member has reason to believe are doing business with or seeking to do business with this District unless those discounts are available to the general public.
5. No Board member may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the District, unless the recommendation is made at a public meeting of the Board.
6. Board members are prohibited from acting as an agent or attorney for compensation for anyone in connection with any matter in which the District is interested for two (2) years after their Board service terminates.

Revised 10/20/20

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Legal                      F.S. 112.311  
                                    F.S. 1001.42



Book	Policy Manual
Section	9000 Community Relations
Title	RELATIONS WITH SPECIAL INTEREST GROUPS
Code	po9700
Status	Active
Adopted	July 12, 2016

#### 9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the School Board that students, staff members, and District facilities not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the Superintendent or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

Pursuant to State law, a person or group may not accept a donation of public funds from the District, or any person acting on behalf of the District, for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that is subject to a vote of the electors.

##### A. Political Interests

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the principal on the basis of their educational contribution to part or all of the school program, benefit to students, and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages. Instructional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertises or promotes a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the District.

##### B. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
3. involve any direct cost to the District;

4. interrupt the regular school program;
5. cause the participants to leave the School District, unless:
  - a. the Board's Policy 2340 - Field and Other District- Sponsored Trips - has been complied with in all aspects;
  - b. the Board has granted special permission;
  - c. the parents of a minor student have granted their permission.

**C. Distribution/Posting of Literature**

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the principal.

The Superintendent shall develop administrative procedures that:

1. establish criteria to be used to make a decision whether or not to permit the distribution or posting of material by students;
2. address the distribution or posting of materials that employees wish to distribute or post on behalf of an employee organization in compliance with the terms of negotiated collective bargaining agreements;
3. prohibit the use of the District or the school mail system by the community, students, or staff for distribution of nonschool-related materials unless authorized by the Superintendent;
4. prohibit the distribution of materials from any profit-making organization to students to take home to their parents unless authorized by the Superintendent;
5. permit flyers and notices from outside non-profit organizations to be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:
  - a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;
  - b. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table.

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.
6. establish and clearly communicate the time, place, and manner restrictions concerning the distribution of all nonschool-related materials.

**D. Solicitation of Funds**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the District's administrative procedures. Solicitation must take place at such times and places and in such a manner as specified in the administrative procedures. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

1. The Board disclaims all responsibility for the protection of, or accounting for, such funds.
2. Solicited funds are not to be deposited in any regular or special accounts of the District.
3. This policy does not apply to the raising of funds for District- sponsored or school-sponsored activities.

**E. Prizes/Scholarship**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these procedures be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.
2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the principal.

#### **F. Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from students by the providers of the services.

See also Policy 2416 and AP 2416.

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Legal

F.S. 1013.10