

EXECUTIVE DIRECTOR'S REPORT

TO: Members, Commission on Ethics

FROM: Kerrie Stillman
Executive Director



DATE: October 5 2022

ADVISORY OPINIONS

The Commission on Ethics issued one opinion at its September meeting. It has rendered 2,693 opinions since its inception in 1974.

LITIGATION

Case Number 1D21-3115, Patrick Loebig v. Florida Commission on Ethics - This is an appeal of CEO 21-9 regarding the Taxpayers' Rights Advocate. We filed an answer brief on March 15, 2022. The Appellant filed his Reply Brief on April 14, 2022, and requested oral argument in his appeal, which was granted by the First District Court of Appeals. Oral argument occurred on July 12, 2022. Gray Schafer argued on behalf of the Commission. We now await the Court's ruling.

Case Number 5D22-322, Bill Spaude v. Florida Commission on Ethics. This is an appeal of Complaint No. 19-174. Oral Argument is currently scheduled for November 10, 2022, by video conference. Melody Hadley and Steven Zuilkowski are handling this appeal.

Case Number 1D22-924, Daphne Campbell v. Florida Commission on Ethics. This is an appeal of Complaint No. 18-090. The Court ordered that Appellant supply the Commission with a transcript of the Commission's final hearing by September 12, 2022. Appellant did meet the deadline. The Commission then supplemented the record with the transcript on September 13, 2022. The Court has ordered that once the Commission supplements the record, the Appellant's Initial Brief is due 30 days later; that date is October 13, 2022. Steven Zuilkowski, Gray Schafer, and Melody Hadley are handling the appeal.

Case Number 2D22-2191, R.C. "Rick" Lussy v. Florida Commission on Ethics. This is an appeal of Complaint No. 20-186. The Appellant filed his Initial Brief on September 15, 2022. On September 27, 2022, Elizabeth Miller filed a Motion to Strike the Initial Brief and Declare the Appellant a Vexatious Litigator. Appellant's response to the motion is due by October 12, 2022. Elizabeth Miller and Steven Zuilkowski are handling the appeal.

Case Number SC22-960, James Ballard v. Florida Commission on Ethics. Petitioner is an inmate of the Alachua County Jail. In this matter, originally filed in the Supreme Court of Florida, the Petitioner requests a Writ of Mandamus to order the Commission to accept his ethics complaints against various individuals. 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. Ballard filed a motion to rehear the decision to transfer the matter to the Second Judicial Circuit and the Commission is expected to respond to the Motion on or before October 19, 2022. Meanwhile, the Second Judicial Circuit dismissed the transferred matter (and other consolidated cases that Ballard filed,

but apparently failed to serve the Commission) on the merits on October 3, 2022. Steven Zuilkowski is handling the matter.

Case Number 2D22-2702, Carlos Beruff v. Florida Commission on Ethics. This is an appeal of Complaint No. 17-082. The Commission must transmit the Index by October 7, 2022, and the Record by October 17, 2022. The Appellant's Initial Brief is due October 27, 2022. Steven Zuilkowski is handling the appeal.

FINANCES

As of August 31, we've spent \$468,056.58 (18.41%) of our appropriation, with 16.67% of the FY gone. We are running slightly ahead of our budget while we await administered funds to account for the across-the-board raises.

PUBLIC SPEAKING ENGAGEMENTS / PUBLICATIONS / HONORS

Steve provided a one-hour ethics training on financial disclosure, conflicts of interest, and gifts law to the members of the Broward County School Board on September 13.

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. 19-174, In re William "Bil" Spaude (Final Order 1-26-22) *on appeal
- Complaint No. 18-141, In re Andreama 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) *on appeal
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)

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)