

**STATE OF FLORIDA
COMMISSION ON ETHICS**

Friday, July 22, 2022

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

PUBLIC SESSION MINUTES

At 8:33 a.m. Chair John Grant called the meeting to order with the following members present:

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

The presence of a quorum was noted.

Commissioner Waldman, seconded by Commissioner Meggs, moved to approve the minutes of the June 3, 2022, Public Session meeting. By unanimous vote, the motion carried.

CONSIDERATION OF FINAL ACTION – DOAH RECOMMENDED ORDER

Complaint No. 17-082, In re CARLOS BERUFF

Present were Mark Herron, Attorney for the Respondent; and Melody A. Hadley, Commission Advocate.

Commissioner Gaetz disclosed that he is acquainted with the Respondent.

Mr. Herron was heard by the Commission.

Ms. Hadley summarized the draft final order of the Administrative Law Judge.

Commissioner Meggs, seconded by Commissioner Carvajal, moved to approve a draft final order. The motion carried, with Commissioner Waldman voting no.

Complaint No. 20-100, In re DAVID N. TOLCES

Present were Mark Herron, Attorney for the Respondent; and Elizabeth A. Miller, Commission Advocate.

Ms. Miller summarized the draft final order of the Administrative Law Judge.

Mr. Herron was heard by the Commission.

Commissioner Gaetz, seconded by Commissioner Carvajal, moved to approve the draft final order. Commissioner Gaetz suggested an amendment to grant the Advocate's exception. Commissioner Carvajal opposed the amendment. Commissioner Gaetz withdrew his motion.

Commissioner Gaetz, seconded by Commissioner Anchors, moved to approve the draft final order, and also grant the Advocate's exception. The motion carried, with Commissioner Waldman voting no.

CONSIDERATION OF FINAL ACTION – PRE-PROBABLE CAUSE JOINT STIPULATION

Complaint No. 17-180, In re WOODROW J. LATVALA

Present were Ryan Andrews and Mark Herron, Attorneys for the Respondent; Woodrow J. Latvala, Respondent; and Elizabeth A. Miller, Commission Advocate.

Commissioner Grant and Commissioner Gaetz recused themselves from the consideration of this matter.

Commissioner Gaetz denied the Respondent's Motion to Disqualify as moot because he already recused from the matter.

Commissioner Carvajal, Commissioner Gilzean, and Commissioner Waldman disclosed that they are acquainted with the Respondent.

There was a handout provided to the Commissioners.

Ms. Miller summarized the proposed pre-probable cause joint stipulation calling for a finding of violation of Section 112.313(6), Florida Statutes, and a recommendation of public censure and reprimand.

Commissioner Meggs, seconded by Commissioner Anchors, moved to reject the proposed pre-probable cause joint stipulation. The motion carried, with Commissioner Carvajal and Commissioner Waldman voting no, and Commissioner Grant and Commissioner Gaetz abstaining.

The Commission then considered the matter for probable cause.

Ms. Miller recommended that the Commission find probable cause, regarding the allegations that the Respondent violated Sections 112.313(2), 112.313(4), and 112.313(6), Florida Statutes.

Mr. Andrews and Mr. Latvala were heard by the Commission.

Commissioner Waldman moved to find no probable cause on all 3 allegations. The motion died for lack of a second.

Commissioner Anchors, seconded by Commissioner Meggs, moved to approve the Advocate's Recommendation, finding probable cause on all 3 allegations. The motion carried, with Commissioner Gilzean and Commissioner Waldman voting no, and Commissioner Grant and Commissioner Gaetz abstaining.

CONSIDERATION OF FINAL ACTION – JOINT STIPULATION

Complaint No. 18-044, In re DOROTHY MILES

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed joint stipulation calling for a finding of violation of Sections 112.313(3), 112.313(6), and 112.313(7), Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$1,500.

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

Complaint Nos. 20-165, 20-184 (cons.), In re OMARI HARDY

Present was Melody A. Hadley, Commission Advocate.

Ms. Hadley summarized the proposed joint stipulation calling for a finding of violation of Article II, Section 8, Florida Constitution and Section 112.3144, Florida Statutes, with a recommendation of public censure and reprimand, and a civil penalty of \$1,000.

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

CONSIDERATION OF FINANCIAL DISCLOSURE APPEALS

HEARING

None of the appellants were present for any of the appeals.

FD19-086, In re ANDRE M. PEREZ

Staff Attorney Suhail Chhabra explained the basis of the draft final order and the rationale behind its conclusion.

Commissioner Carvajal, seconded by Commissioner Meggs, moved to approve the staff's recommendation, regarding the above-referenced appeal. By unanimous vote, the motion carried.

FD20-030, In re MELIDA ORTEGA

Staff Attorney Suhail Chhabra explained the basis of the draft final order and the rationale behind its conclusion.

Commissioner Gaetz, seconded by Commissioner Anchors, moved to approve the staff's recommendation, regarding the above-referenced appeal. By unanimous vote, the motion carried.

NO HEARING

None of the appellants were present for any of the appeals.

FD20-029, In re DANIEL SCHWARTZ

FD20-031, In re JEANNE LANE

FD20-039, In re PHYLLIS GONZALEZ

FD20-040, In re BARBARA STROUSE

Commissioner Gaetz, seconded by Commissioner Waldman, moved to approve the staff's recommendations, regarding the above-referenced appeals. By unanimous vote, the motion carried.

CONSIDERATION OF SECOND ORDER ON REQUEST FOR EXTENSION

Extension Request 22-01, In re CHESTEN NATHANIEL GOODMAN

Extension Request 22-02, In re AUSTIN BELT

Commissioner Gaetz, seconded by Commissioner Waldman, moved to approve the proposed orders. By unanimous vote, the motion carried.

CONSIDERATION OF 2023 LEGISLATIVE RECOMMENDATIONS

Executive Director Kerrie Stillman explained that the Commission is statutorily required to make recommendations for legislation, and gave a brief explanation of the memo provided to Members.

CONSIDERATION OF 2023 MEETING SCHEDULE

Executive Director Kerrie Stillman explained the 2023 Meeting Schedule and Deadlines. There were no objections from the Commission.

REPORTS

The Chair acknowledged General Counsel Steven Zuilkowski's hard work.

Executive Director Kerrie Stillman elaborated on her written report previously provided to the Commissioners. She updated the Commission with the compliance numbers for the current filing year. She also introduced new Staff Attorney Katharine Heyward, and new Investigator John Cizmadia. She informed the Commission that Intern Gianni Croci's internship was ending, and that Staff Attorney Suhail Chhabra was leaving the Commission. She recognized Investigator Bob Malone's retirement and presented him with a plaque.

ADJOURNMENT

With no further items on the agenda, the Public Session adjourned at 12:15 p.m.

Respectfully submitted,

Approved:

Diana Westberry, *Secretary*

John Grant, *Chair*

Date