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"A Public Office is a Public Trust"

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PRESS RELEASE

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TALLAHASSEE—December 7, 2022—Meeting in Tallahassee on December 2nd in closed session, the Florida Commission on Ethics took action on 28 matters, Chair John Grant announced today. Twelve of those matters were considered for probable cause. A finding of probable cause is not a determination that a violation has occurred. Such a determination is made only after a full evidentiary hearing on the allegations.

Probable cause was found to believe City of Naples Mayor **TERESA HEITMANN** misused her position when attempting to steer City employees and City resources to investigate non-City related matters to benefit herself and another individual. Probable cause was found on an allegation to believe Ms. Heitmann failed to disclose a gift of legal services valued in excess of \$100 on a Form 9, Quarterly Gift Disclosure. However, the Commission found no probable cause to believe Ms. Heitmann violated

the constitutional amendment prohibiting abuse of office to obtain a disproportionate benefit.

The Commission considered a complaint filed against Broward County Public School Director of Athletics and Student Activities **SHAWN CERRA**. No probable cause was found to believe Mr. Cerra solicited something of value based on the understanding it would influence his official action when he accepted lodging and attended a party hosted by a longtime friend, who was the cap and gown vendor for the School District. The Commission also found no probable cause to believe he accepted a thing of value from a District vendor when he knew or should have known the item was being given to influence him. No probable cause also was found on an allegation that he misused his position to benefit the vendor. Allegations that Mr. Cerra accepted a prohibited gift from a vendor or failed to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure, when he spent time at the vendor's home and attended the party, were dismissed with a finding of no probable cause.

In a related complaint, the Commission found no probable cause to believe Broward County School Board member **DONNA KORN** solicited something of value based on the understanding it would influence her official action when she accepted lodging from a cap and gown vendor. The Commission also found no probable cause to believe she accepted a thing of value when she knew or should have known it was given to influence her. Allegations Ms. Korn accepted a prohibited gift from a vendor or failed to disclose reportable gifts in excess of \$100 on a Form 9, Quarterly Gift Disclosure, were dismissed with a finding of no probable cause.

The Commission found no probable cause to believe Lake City Community Redevelopment Advisory Council member **LESTER MCKELLUM** had a prohibited

business relationship when he requested the City Commission make two separate payments to a private corporation for which he was a compensated officer. No probable cause also was found on an allegation he had a conflicting employment or contractual relationship that created a continuing or frequently recurring conflict between his private interests and the performance of his public duties. The Commission also found no probable cause on a voting conflict allegation related to the vote for payments to be made to the private corporation for which is a compensated officer.

No probable cause was found to believe the City Attorney for Lake City **FRED KOBERLEIN** represented clients before the units of local government to which he provides legal services.

Probable cause was found to believe former Florida Department of Education Program Specialist IV **JUSTIN DAVID FELLER** violated the constitutional amendment prohibiting abuse of a public position to obtain a disproportionate benefit. The Commission also found probable cause to believe he misused his position by keeping Florida Department of Education equipment at his home during the pandemic that he used in his personal capacity and by obtaining gift cards intended for the purchase of educational training and using them to make personal purchases, as well as requesting payment and reimbursement for training he never provided.

The Commission also considered related complaints filed against Florida Department of Education Program Specialists IV **DANIEL RING** and **KENNETH EDWARDS**. Disproportionate benefit and misuse allegations similar to those filed against Mr. Feller resulted in findings of no probable cause because Florida Department of Education (DOE) equipment and gift cards were only used for official business and

the equipment was returned to the DOE offices as soon as they were authorized to return to the office.

The Commission rejected the recommendation of its Advocate and found probable cause to believe Broward County Sheriff **GREG TONY** misused his public position when he provided false information or did not disclose information during the appointment process for his service as Broward County Sheriff; when completing a notarized Form 68 submitted to FDLE while serving as Broward County Sheriff; and when applying to renew his driver's license while serving as a law enforcement officer.

The Commission considered the results of an investigation – required by statute – based on the findings of a random audit of **CAPITOL STRATEGY GROUP**, an Executive Branch Lobbying Firm. The Commission found probable cause to believe the firm filed inaccurate compensation reports for a principal in the second quarter of 2020, and failed to make a needed disclosure regarding a prime contractor. Probable cause also was found to believe the firm filed inaccurate reports regarding these errors, as well as a second principal in the third quarter of 2020.

In another investigation – required by statute – based on the findings of a random audit of **BUCHANAN INGERSOLL & ROONEY, PC**, an Executive Branch Lobbying Firm, probable cause was found to believe the firm failed to accurately report compensation received from multiple principals for all four quarters of 2020.

The Commission also considered the results of an investigation of **PEOPLE WHO THINK**, an Executive Branch Lobbying Firm, based on the findings of a random audit. No probable cause was found to believe People Who Think failed to register as a lobbyist in 2020 or that the firm violated the law by filing one or more inaccurate 2020 quarterly compensation reports.

The Commission reviewed 14 complaints for legal sufficiency. These reviews are limited to questions of jurisdiction and determinations as to whether the contents of the complaint are adequate to allege a violation of the Code of Ethics or other laws within the Commission's jurisdiction. As no factual investigation precedes the reviews, the Commission's conclusions do not reflect on the accuracy of the allegations made in these complaints. The Commission dismissed the following complaints for lack of legal sufficiency: **KEVIN VAN OSTENBRIDGE**, Manatee County Commissioner; **EVELYN A. WILSON**, Groveland City Council and Mayor; **BARBARA GAINES**, Groveland City Council; **MIKE SMITH**, Groveland City Council; **MIKE RADZIK**, Groveland City Council; **MARY CARLSON**, Lucaya Community Development District Board of Supervisors; **KRISTINA SAMUELS**, Clerk of the First District Court of Appeal; **JENNIFER MENENDEZ KOTCH**, Assistant State Attorney, Sixth Judicial Circuit; **DAVE NUGENT**, Clearwater Police Department Detective; **WILLIAM SHEPHERD**, Hillsborough County Property Appraiser General Counsel; **DINA GOLDSTEIN**, Town of Surfside Police Department Executive Assistant; **NICOLLE SHALLEY**, Levy County Attorney; **DAVE BANTON**, Levy County Code Enforcement Officer; **LILLIAN "LILLY" ROOKS**, Levy County Commissioner.

PUBLIC SESSION

During its public session meeting, the Commission adopted a formal opinion regarding a Member of the Monroe County Board of County Commissioners. The opinion indicates that a prohibited conflict of interest would not be created if a now terminated contract, executed prior to requestor's appointment to office, between her Board and her private employer was reinstated through a litigation settlement agreement. Guidance was

also provided regarding conflicts if amendments are made to the contract as well as potential voting conflicts.

The Commission dismissed a Petition for Costs & Attorney Fees filed by a member of the Florida Keys Aqueduct Authority Board of Directors **CARA HIGGINS** against Thomas Grant Walker and Jolynn Cates Reynolds, the complainants in a previously dismissed complaints filed against her. The petition was dismissed because it did not substantively allege that Mr. Walker or Ms. Reynolds knew their complaints contained false allegations when they filed the complaints or that they exhibited reckless disregard for the truth or falsity of the allegations made in the complaints or that those allegations were material.

The Commission voted to grant the Advocate's Motion to Dismiss a statutorily required, self-initiated investigation concerning a willful failure to file a Form 1, Statement of Financial Interests, for the year 2017 by **MICHELLE KLIGMAN**, Senior Vice President of Human Resources and Chief Experience Officer at Jackson Health System in Miami, Florida. The motion was granted on the basis that Ms. Kligman did not have the required purchasing authority for her to be required to file disclosure for 2017, a condition necessary to maintain jurisdiction in a willful investigation.

The Florida Commission on Ethics is an independent nine-member commission formed in 1974 to review complaints filed under the statutory Code of Ethics and to answer questions from public officials about potential conflicts of interest through its issuance of advisory opinions.

If the Ethics Commission believes a violation of the law may have occurred, it may decide to hold a public hearing. If it concludes a violation has been committed, it

may recommend civil penalties including removal from office or employment and fines up to \$10,000 per violation.