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TALLAHASSEE—July 29—Meeting in Tallahassee on July 24 in closed session, the Florida Commission on Ethics took action on 39 matters, Chair Jon M. Philipson announced today. Six of those matters were probable cause hearings. 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.

The Commission considered a complaint filed against West Palm Beach City Commission Candidate and current manager of the Orlando Utilities Commission, **MATTHEW FERRER**. Probable cause was found on an allegation that he failed to accurately disclose secondary sources of income and real property owned on his 2024 Form 1 disclosure; however, the Commission decided to take no further action based on the circumstances of the matter.

The Commission found no probable cause to believe that **ANDY DANCE**, Flagler County Commission Chairman, violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit or misused his position to benefit himself or another person when he gave the County Administrator, who at the time employed his wife as an Executive Assistant, favorable performance reviews and failed to notify the Board of an approaching deadline regarding her contract.

No probable cause was found on an allegation that **ROBERT PRESNELL**, Chattahoochee City Manager, misused his position or violated the constitutional amendment prohibiting abuse of office for a disproportionate benefit by exchanging City services for sexual favors.

The Commission considered a complaint against the Bloomingdale Special Taxing District Board of Trustees President **THOMAS LEECH**. The Commission found probable cause on an allegation he failed to file a Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, when he abstained from a vote that involved a contract with a staffing company that employed his wife to work as the Office Manager for the District; however, the Commission decided to take no further action based on the circumstances of the matter. No probable cause was found on three voting conflict allegations related to the matter.

No probable cause was found on allegations that **DARIEL FERNANDEZ**, Miami-Dade County Tax Collector, misused his position by posting multiple videos on Facebook that were endorsements of local businesses, in which he introduced himself as Tax Collector and displayed a Tax Collector's seal.

The Commission considered two complaints filed against the Harrison Ranch Community Development District Assistant Secretary, **JULIANNE GIELLA**. Probable cause was found on two allegations that she failed to accurately disclose real property on her 2023 and 2024 Form 1 disclosures. In addition, allegations that she failed to certify completion of the statutorily required ethics training on her 2024 Form 1 resulted in a finding of probable cause. However, the allegation that she failed to complete the required ethics training for calendar year 2024 was dismissed with a finding of no probable cause.

The Commission granted a request by the complainant to withdraw a complaint filed against Altamonte Springs City Manager, **FRANKLIN W. MARTZ, II**.

The Commission reviewed 32 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, and whether the allegations are based on personal knowledge or information other than hearsay. 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: **JOSEPH PEDUZZI**, West Palm Beach City Commissioner; **MICHAEL STALLWORTH**, Daytona Beach Business Enterprise Manager; **JASON COLVILLE**, Coquina Water Control District Vice Chairman; **TIFFANY MOORE RUSSELL**, Orange County Clerk of Court; **DANA MIDDLETON**, Palm Beach Gardens City Council Member; **JESSIE BASTOS**, Broward Soil and Water District Supervisor and candidate for Broward County School Board; **MICHELLE RUCKER**, Florida Department of Highway Safety and Motor Vehicles Hearing Officer; four complaints

against **RON WILDE**, Port Malabar Holiday Park Mobile Home Park Recreation District Trustee; **AUSTIN GRAVLEY**, Frostproof City Commissioner; **REBECCA EARNEST**, Port Malabar Holiday Park Mobile Home Park Recreation District Chair; two complaints against **HEIDI CLAWSON**, Long Lake Ranch Community Development District Chair; **NEIL COMBEE**, Polk County Property Appraiser and Scenic Terrace South Community Development District Board Member; **NICK CHURILL**, Pensacola State College Police Department Sergeant; **THOMAS ROBERSON**, Pensacola State College Police Department Chief of Police; **CHRISTOPHER MICHAEL MASSON**, Hillsborough County Code Enforcement Supervisor; **JOE GROSS**, Hillsborough County Code Enforcement Director; **CYNTHIA GONZALEZ**, Hillsborough County Code Enforcement Officer; **JULIA MANDELL**, Hillsborough County Attorney; **PENNY CURRIE**, Holly Hill City Commissioner; two complaints against **KEN HAGAN**, Hillsborough County Commissioner; **GENEVA ALPERT**, Florida Department of Environmental Protection Environmental Consultant; **JOHN BAZEMORE**, Marion County Building Safety Inspector; **EMELIO GONZALEZ**, Marion County Building Safety Inspector; **ADRIANA URBINA**, Lake St. Charles Community Development District Manager; **BRIAN BARROSO**, Key West City Manager; **DANISE HENRIQUEZ**, Key West Mayor; and **NICK HOWLAND**, Jacksonville City Council President.

PUBLIC SESSION

During its public session meeting, the Commission took final action and adopted a Joint Stipulation, prior to a finding of probable cause, between the former Mayor of Plantation **LYNN STONER**, and the Commission Advocate. The Commission voted to enter a final order finding Ms. Stoner misused her position when she asked the City

Building Official to void a city code violation and by writing a letter to a bank advising the fines discharged, when that wasn't the case. A total civil penalty of \$2,500 and public censure and reprimand was recommended for imposition by the Governor.

The Commission adopted a settlement agreement, before a finding of probable cause, between the Commission Advocate and former St. John's County Airport Authority Board Member, **JENNIFER LIOTTA**. The agreement finds that Ms. Liotta had a contractual relationship with two business entities that were subject to the regulation of or doing business with the airport authority. A civil penalty of \$2,000 was recommended for imposition by the Governor.

The Commission voted to grant the Advocate's Motion to Dismiss a complaint filed against **JONATHAN L. OWENS**, former Aide to then Escambia County Commissioner Douglas Underhill.

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 2021 by **ROD LINCOLN**, former Villages of Pasadena Hills Advisory & Planning Committee Member. The motion was granted on the basis that Mr. Lincoln resigned from the board. Because holding public office or employment is required to maintain jurisdiction under the statute, the Commission no longer possesses jurisdiction in the matter.

A complaint filed against **JACKIE ESPINOSA**, Mayor of the City of Kissimmee, was dismissed for failure to constitute a legally sufficient complaint. As no factual investigation preceded the review, the Commission's conclusion does not reflect on the

accuracy of the allegations made in the complaint. The complaint was considered during public session because Ms. Espinosa waived confidentiality.

A complaint filed against **JANETTE MARTINEZ**, Notary Public and Kissimmee City Commissioner, was dismissed for failure to constitute a legally sufficient complaint. As no factual investigation preceded the review, the Commission's conclusion does not reflect on the accuracy of the allegations made in the complaint. The complaint was considered during public session because Ms. Martinez waived confidentiality.

The Commission considered a Petition for Costs and Attorney's Fees filed by **MICHELE MYERS**, Mayor of Crescent City. The Commission voted to adopt the Administrative Law Judge's recommendation and grant Ms. Myers' Petition for Costs and Attorney's Fees. The Final Order awards \$25,547.73 in costs and attorneys' fees to be paid by four complainants, Diane P. Sykes, Linda J. Young, Kev To, and Christopher "Doc" Bailey, to be divided equally, with each complainant assessed \$6,386.93.

The Commission adopted a formal opinion concluding that the two-year post-employment restriction would apply to a former Department of Business and Professional Regulation (DBPR) attorney, but would only prohibit her from representing clients for compensation before the Construction Industry Licensing Board and the Construction Industry Licensing Board Legal Unit within the DBPR Office of General Counsel. Because her work and influence were limited to that unit, the restriction does not extend to the rest of DBPR or its Office of General Counsel.

The Commission also adopted an opinion finding that a State Legislator may not personally represent clients for compensation before executive branch agencies, including the Agency for Health Care Administration or Division of Administrative

Hearings, during the legislator's term of office. However, other attorneys in the legislator's law firm may represent clients before state agencies and those representations must be disclosed on the required quarterly report. The opinion also confirms that the prohibition does not extend to representation before judicial tribunals.

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 \$20,000 per violation.