



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	473.	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>473.</b>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget?      Yes   X      No     

Budget Account No.:    Fund   0001      Department   760      Unit   7601      Object   3125  

Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

<p><i>[Signature]</i> 6-6-07          _____          OFMB          6/6/2007    atw 6-6-07    @ N 8/5/17</p>	<p><i>[Signature]</i> 6/18/07          _____          Contract Development and Control</p>
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**B. Legal Sufficiency:** *[Signature]*  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**

Messer, Caparello & Self, P.A.  
 P.O. Box 15579  
 Tallahassee, Florida 32317  
 Telephone (850) 222-0720  
 FEI 59-2921100

BURT AARONSON  
 7461 GLEN DEVON LANE  
 DELRAY BEACH FL 33446

Attn: BURT AARONSON

Page: 1  
 March 09, 2007  
 Account No: 1774-15132  
 Statement No: 33971

ETHICS COMPLAINT 07-032

**PAID**  
3/13/07 *ck # 5546*

Fees

		Hours	
02/19/2007			
MH	Reviewed ethics complaint 07-032; prepared letter to Phil Claypool (Ethics) re same; conferred by telephone with Burt Aaronson re same;	0.50	
02/20/2007			
MH	Received telephone message from Burt Aaronson re ethics complaint; returned telephone call from Burt Aaronson re same / response to press inquires re complaint; reviewed materials faxed by Burt Aaronson re letter from County Attorney;	0.30	
02/27/2007			
MH	Received telephone call from Burt Aaronson re status / developments;	0.10	
	For Current Services Rendered	0.90	<u>202.50</u>

Recapitulation

<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK HERRON		0.90	\$225.00	\$202.50
	Total Current Work			202.50
	Balance Due			<u>\$202.50</u>
	Please Remit			<u>\$202.50</u>

ALL INVOICES DUE UPON RECEIPT.  
 THANK YOU FOR YOUR PROMPT PAYMENT.

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 FEI 59-2921100

BURT AARONSON  
 7461 GLEN DEVON LANE  
 DELRAY BEACH FL 33446

Attn: BURT AARONSON

Page: 1  
 May 10, 2007  
 Account No: 1774-15132  
 Statement No: 34917

ETHICS COMPLAINT 07-032

**PAID**  
5/17/07 ck# 5388

Fees

		Hours	
03/07/2007			
MH	Received telephone call from Burt Aaronson re resignation as chair of political committee / effect on ethics case; conferred with Burt Aaronson re same / status and strategy re ethics complaint;	0.40	
04/05/2007			
MH	Received telephone message from Burt Aaronson re status of investigation; conferred by telephone with Ethics Commission staff re same; conferred by telephone with Burt Aaronson re same.	0.20	
04/09/2007			
MH	Returned telephone call to Robert Rivas re status of ethics complaint / potential involvement of U.S. Attorney in Karen Marcus matter;	0.30	
04/16/2007			
MH	Received telephone call from Burt Aaronson re status / developments;	0.10	
04/25/2007			
MH	Received telephone call from Burt Aaronson re status of ethics complaint; forwarded same to Burt Aaronson by fax;	0.20	
	For Current Services Rendered	1.20	270.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK HERRON	1.20	\$225.00	\$270.00

Total Current Work	270.00
Previous Balance	\$202.50

Payments

03/16/2007	Payment Received, Thank You.	-202.50
	Balance Due	<u>\$270.00</u>
	Please Remit	<u>\$270.00</u>

Norman M. Ostrau  
*Chair*  
Albert P. Massey, III  
*Vice Chair*  
Michael W. Brown  
Cheryl Forchilli  
Latour "LT" Lafferty  
Charles Lydecker  
Christopher T. McRae  
Thomas P. Scarritt, Jr.



State of Florida  
COMMISSION ON ETHICS  
P.O. Drawer 15709  
Tallahassee, FL 32317-5709

3600 Maclay Blvd., South, Suite 201  
Tallahassee, FL 32312

Philip Claypool  
*Executive Director*

Virlyndia Doss  
*Deputy Executive  
Director*

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## PRESS RELEASE

For Immediate Release  
April 25, 2007

CONTACT PERSON:

Philip Claypool or  
Kerrie J. Stillman  
850.488.7864

May be accessed on the Internet at [www.ethics.state.fl.us](http://www.ethics.state.fl.us)

TALLAHASSEE—April 25, 2007—The Florida Commission on Ethics, meeting in Tallahassee on April 20 in closed executive session, found probable cause to believe that eight local public officers may have violated the Code of Ethics, Chairman Norman Ostrau announced today. A finding of probable cause is not a determination that a violation has occurred. Such a determination is only made after a full evidentiary hearing on the charges.

Probable cause was found to believe that JOSEPH RUSSO, City Councilman for Palm Beach Gardens, may have had conflicts when he voted on two measures which he knew would cause gain or loss to a Sabatello company for which he provided accounting services. A third voting conflict charge was dismissed.

The Commission found probable cause that CARL SABATELLO, City Councilman for Palm Beach Gardens, may have had a conflict of interest when he

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April 25, 2007

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voted on matters affecting a residential development while he was negotiating for his company to participate in the project from September through November 2000. Probable cause also was found regarding possible voting conflicts on measures relating to four parcels and one plat in which he had an interest. Charges that he had a voting conflict when he voted on a measure affecting certificate of occupancy requirements of the development in 2001 and that he had a conflict on a matter relating to a plat in 2002 were dismissed.

The Commission found probable cause to believe that JIM VANDERGRIFFT, Mayor of New Smyrna Beach, had a conflict of interest when he voted on a measure to postpone the adoption of an ordinance which would have affected property he owned, as well as property he was to purchase the following day.

The Commission found probable cause to believe that DAISY LYNUM, Orlando City Commissioner, may have misused her position to influence how the police department handled a routine traffic stop involving her son.

Probable cause was found to believe that DAVID SANTIAGO, Deltona City Commissioner, may have failed to list three mortgages that he owed to financial institutions on his CE Form 1 Statement of Financial Interests for calendar years 2003, 2004, and 2005. Santiago was cleared of charges that he accepted a prohibited gift from a lobbyist and misused his office when he appeared in a bank advertisement. Charges that he failed to report a of free publicity valued at more than \$100 were also dismissed.

In three related complaints, the Commission found probable cause that GARY EHRLICH, CRYSTAL JENKINS, and HOWARD STIVERS, members of the Orlando

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April 25, 2007

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Code Enforcement Board, may have violated the law by failing to properly complete their Form 1 Statements of Financial Interests for 2005. Probable cause also was found that STIVERS improperly completed disclosure forms for 2003 and 2004.

WILLIAM E. SMITH, Lake Worth Police Chief, was cleared of charges that he misused his office to arrange for payment of legal services provided to him in defense of a civil suit.

The Commission dismissed allegations that PAUL PILLER, Midway City Manager, misused his office or had conflicts of interest concerning business relationships between his consulting business and the City. The investigation revealed that Piller is an independent contractor who is not subject to those provisions of the Code of Ethics.

The Commission found no probable cause to believe that THOMAS HENNING, Collier County Commissioner, misused his position to improperly influence the County Attorney and the Code Enforcement Board concerning matters involving his friends.

The Commission cleared JULIA MUSSELMAN, Clerk for the Town of McIntosh Florida, of charges that she had a prohibited business relationship when she purchased the building where the Town had leased space since 1989.

Allegations that Citrus County Commissioner GARY BARTELL had a conflict of interest when he voted on a matter affecting a property that was listed as the address for his occupational license were dismissed.

In light of previous investigations conducted by the Commission on Ethics and other agencies, the Commission voted to dismiss a complaint against NEAL DUPREE,

Capital Collateral Regional Counsel for the Southern Region of Florida (CCRC-South) because the public interest would not be served by further proceedings.

The Commission also dismissed a complaint filed against KENNETH HOOPER, City Manager of Edgewater, finding that the standards of conduct in the Code of Ethics do not apply to Hooper because he is an independent contractor.

The Commission dismissed complaints against the following individuals due to a lack of legal sufficiency: FRANK THOMAS, Mulberry City Manager; WILLIAM OCKUNZZI, Mayor of Indian Rocks Beach; DEBBY EISINGER, Mayor of Cooper City; RAE CAROL ARMSTRONG, Mayor of Plantation; RONNIE D. BAKER, Human Resource Director for Brooksville; BURT AARONSON, Palm Beach County Commissioner; two complaints against MARA GIULIANTI, Mayor of Hollywood; DWIGHT LEWIS, Chair of the Volusia County Council; CHARLES BURKETT, Mayor of Surfside; HOWARD WEINBERG, Vice Mayor of Surfside; ERROL D. JONES, St. Augustine City Commissioner; JOE PICKENS, Representative, District 21; JEFF FURST, St. Lucie County Property Appraiser; TIMOTHY DAY, Cape Coral City Council member; DAVID BUCKLES, Putnam County Superintendent of Schools; C. L. OVERTURF, Chairman of the Putnam County School Board; and SALLY THEOBOLD, Principal of James A. Long Elementary School.

The Commission's reviews for legal sufficiency are limited to questions of jurisdiction and determinations as to whether the charges in the complaint are adequate to allege a violation of the Code of Ethics. As no factual investigation precedes the reviews, the Commission's conclusions do not reflect on the accuracy of the allegations made in these complaints.



### PUBLIC SESSION

In public session on April 20, the Commission took final action on a complaint against TIM WILL, Vice Mayor of Surfside. The stipulated agreement between Will and the Commission Advocate finds that Will had a conflict of interest when he voted to contribute \$500 in Town funds towards the purchase of state championship rings for his son's water polo team.

The Commission accepted a settlement agreement between its Advocate and BRIANNE HOOVER, former Taylor County Emergency Management Director and Director of Taylor County Animal Control. The agreement finds that Hoover misused her position to attempt to have the County pay charges related to the care of her personal pets. A civil penalty of \$2,000, public censure, and reprimand were recommended.

The Commission granted a request to withdraw a complaint against DEBORAH O'CONNOR, Town Commissioner for Redington Shores. The Complainant requested the withdrawal in order to comply with a court ruling related to the issues raised in the complaint.

A formal advisory opinion concerning the Executive Branch Lobbying Law was issued to an attorney and finds that a law firm can be a "lobbying firm" when only one attorney is registered to lobby. Although the law bans direct or indirect expenditures made by a lobbyist or principal, it does not expressly prohibit expenditures made by a lobbying firm or a non-lobbyist.

In an opinion requested by an employee with the Department of Children and Family Services (DCF), District 7, the Commission found that a prohibited conflict is created where

a DCF contract manager has secondary employment with an entity subcontracting with a nonprofit to perform a portion of the services deliverable under the contract she manages.

An opinion issued to a former employee of the Department of Juvenile Justice (DJJ), addressed a number of "revolving door" restrictions that apply to public officers and employees. The Commission found that the law would not be violated where the former DJJ employee works for a company which had contracts with the agency during his or her employment, provided that the post-employment is not in connection with any particular contract in which the employee played a procurement role or had responsibility in his or her public capacity. However, the Commission cautioned that the employee is prohibited from representing the company before DJJ for a period of two years.

In a conflict of interest opinion, the Commission determined that the law would be violated were a member of a district school board to be employed by a nonprofit, tax-exempt foundation cooperating with the school district to provide education enhancement programs. However, because the employment meets the requirements of a statutory exemption, the conflict is negated.

A professor with the University of Florida requested an opinion regarding his corporation contracting with the University. The Commission ruled that under the circumstances presented, a prohibited conflict would not be created were UF to contract with the professor's architectural firm because of the lack of responsibility he has as a UF professor regarding the business between his firm and the University.

In another opinion, the Commission found that a conflict of interest would exist were a member of a City Commissioner's law firm to represent clients, for compensation, before the City Commission, and the conflict would exist whether the Commissioner was an

employee of the firm, or was "of counsel" to the firm. However, there would be no conflict of interest were members of the firm to represent clients, for compensation, before other City boards.

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself or to anyone whom he or she has the power to hire, terminate, or appoint, may seek an advisory opinion from the Commission about himself or herself or that employee. Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion.

Contact the Commission office to obtain rulings on extension requests and appeals of automatic fines imposed for late submission of financial disclosure reports submitted by public officers and employees. (See Items VII., VIII., IX., and X. on the April 20 Meeting Agenda posted on the Commission's website.)

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 Ethics Commission members believe a violation of the law may have occurred, they may decide to hold a public hearing. If they conclude a violation has been committed, they may recommend civil penalties that include removal from office or employment and fines up to \$10,000.