



Tallahassee  
Independent  
Ethics Board

2022  
Annual  
Report

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## Tallahassee Independent Ethics Board



### **Our Mission**

To promote the actual and perceived integrity of our city government and to prevent unethical conduct before it occurs.

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### **Our Core Values**

**Integrity** – Adhere to strong moral and ethical principles and values.

**Honesty** – Be transparent and truthful when communicating with others.

**Commitment** – Be dependable, fair, thorough, and objective.

**Excellence** – Hold oneself accountable.

**Respect** – Be courteous to others and treat each person with equal value.

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*a year's overview*

# A Solid Foundation

*from the chair*

The Ethics Board is advancing the principles of transparency, accountability, and honesty in city governance. Through our partnerships with city officials, city staff, and members of the community, the Tallahassee Independent Ethics Board achieved a banner year in upholding the City Ethics Code.

In February of 2022, the City Commission of Tallahassee held an Ethics Workshop to consider amendments to the ordinance recommended by the Ethics Board. The Board was given a seat at the table to discuss its recommendations with City Officials and their staff. This workshop resulted in the City Commission adopting changes to the City Ethics Code. Though we did not get everything we were after, these changes provided the Ethics Board with more tools to fulfill our obligations under the City Charter.

We increased our training and outreach this past year. For example, at the request of the Future Leaders Training Academy, the Ethics Officer provided ethics training to seventy-six high school students participating in a city-sponsored program. In addition, with the support of the Board, the Ethics Officer continued to improve the quality of the training offered to city staff. Through this training, city staff has become more engaged in upholding the integrity of city governance.

As in previous years, the Ethics Board was mindful and frugal with the people's money and finished the year within our allotted city budget.

We continue to attract highly qualified individuals to serve on the Board. For example, with the departure of Attorney Gwendolyn Graham to serve as the Assistant Secretary for Legislation and Congressional Affairs at the U.S. Department of Education, retired chief of police Patrick Kelly joined the Board and quickly became an active member. All the Board members are professional, committed, and active participants.

In the upcoming year, we will continue to play a vital role in ensuring transparency and accountability in the city governance and strengthening the public confidence in their local government.

*Carlos Rey*

# Moving Forward

On June 25, 2019, I retired from the Florida Department of Law Enforcement after serving thirty-four years. During my time there, I served as staff for the Criminal Justice Standards and Training Commission, managing discipline cases against law enforcement and corrections officers and leading officer training. Subsequently, I saw a job announcement by the City of Tallahassee for a position that matched my background. I applied for the job and was later accepted, and on February 17, 2020, I began a dual role as the City of Tallahassee Independent Ethics Board executive director and ethics officer.

When I started, I thought it would take three years to feel comfortable performing the job duties. Fortunately, it has taken less time. The job duties include managing the office, investigating complaints, conducting training, organizing meetings with the Board, and taking direction from them. In addition, I often correspond with the City Attorney's Office, Human Resource and Workforce Development Department, and the Inspector General's Office. Last, from time to time, I am a liaison between the Board and the Mayor and City Commission to deliver advisory opinions and recommendations.

The work of the ethics board and staff are administrative. Yet, we must produce in a highly political environment. Moreover, we function amid expectations that are often misinformed and unrealistic as people frequently confuse their values with the ethical standards specified in the Ethics Code. Thus, the charge is not just to implement rules and execute procedures but to consistently communicate the boundaries upon which the Board has jurisdiction.

I am happy to say that I work for a board that is professional and fully committed. I look to the future with as much enthusiasm as I had when I started. Finally, with the board's guidance and support, I will ensure we do what we can to help build trust among City officials, City employees, and the public.

*Dwight A. Floyd*

## The Tallahassee Independent Ethics Board

The Board consists of seven volunteers, five of which are selected individually by the City Commission, Florida A&M University, Florida State University, State Attorney's Office Second Judicial Circuit, and the Public Defender's Office Second Judicial Circuit. In addition, the Board chooses two at large members. To serve on the Board, you must be a registered voter in Tallahassee and preferably have some knowledge of government ethics. According to the Board's bylaws, each member may serve up to two full three-year terms.

In 2021, Vice-Chair Gwendolyn Graham resigned from the Board to become the Assistant Secretary for Legislation and Congressional Affairs at the U.S. Department of Education. The Board selected Mr. Bryan Smith to serve the remainder of 2021 as vice-chair. In December 2021, the Board selected Chair Carlos Rey and Vice-Chair Bryan Smith to serve another term. The State Attorney's Office Second Judicial Circuit appointed retired police chief Patrick Kelly to fill the seat vacated by Ms. Graham.

**Chairman Rey** is the General Counsel for the Florida Senate. Before becoming general counsel, he served as a Senior Attorney on the Florida Senate Committee on Ethics and Elections. As a Senior Attorney, Mr. Rey drafted and analyzed bills concerning the state ethics code and election laws. Earlier in his career, he served as the Assistant General Counsel for the Florida Department of State. He is a 2004 graduate of the Florida State University Law School and a 2012 graduate of their Applied Economics Masters Program.



At Large

**Vice-Chair Smith** is the associate vice president for student affairs and the ombudsman for Florida A&M University. He previously served as a special assistant to the president and played a critical role in addressing hazing. In addition, Mr. Smith was the executive director and co-founder of Destined for Success Educational Services, Inc. and served for ten years on the Dekalb County Ethics Board. He received his Juris Doctor from John Marshall Law School, Master of Applied Science—Public Administration from FAMU, and a bachelor's degree in Political Science from North Carolina A&T State University.



**Mr. Ernie Paine** retired from the Florida Department of Financial Services in 2017 as a network/systems administrator. He was responsible for drafting Security and Acceptable Use Standards for the information technology system. Mr. Paine was the custodian for preserving and providing public records when requested by the public or in response to a subpoena. In addition, he maintained the confidentiality of data protected by HIPAA or underprivileged status. Finally, he assisted forensic accountants and attorneys with the use and interpretation of data produced in conjunction with litigation. Since retirement, Mr. Paine has stayed involved with the community by working with the League of Women Voters as well as the Ethics Board.



**Ms. Ruby Seymour-Barr** operates a nonprofit law office with a social service referral component. She previously worked as a senior attorney with several State agencies, including the Department of Business and Professional Regulation. She previously served as an adjunct professor at Broward Community College (now Broward College). She also served on the Board of Directors for the United Way of Broward County, the Chamber of Commerce for the City of Hollywood, and was appointed to the Charter Review Board of West Park, FL. In addition, Ms. Seymour-Barr is active in several volunteer Florida Bar organizations and is a mentor to young attorneys. She obtained a law degree from Nova Southeastern University in 1982.

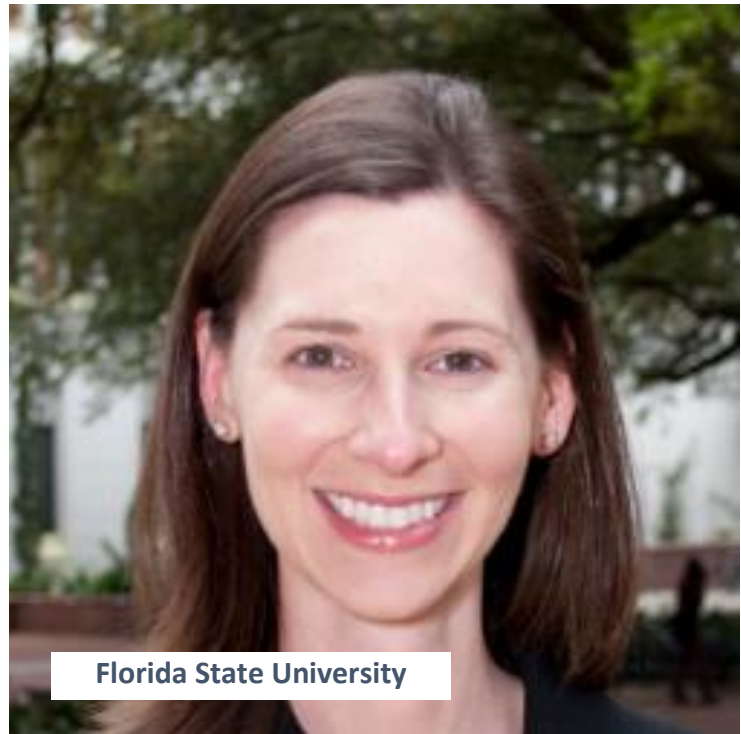


**Ms. Kristen Costa** is a Physician Assistant at Southeastern Plastic Surgery in Tallahassee. She is also a national trainer for injectables, a faculty member at the Allergan Medical Institute, and Florida State University in the Physician Assistant Program. In addition, Ms. Costa serves on several boards, including the Young Actors Theatre, Treasurer for the Association of Plastic Surgery Physician Assistants, Advisory Board Member for Alpha Chi Omega, and the House of Delegates for the American Academy of Physician Assistants. She received a Bachelor of Science Degree in Nursing from Florida State University and a master's degree in Physician Assistant Studies at the University of Florida.





**Ms. Robyn Blank** is the Chief Compliance and Ethics Officer for Florida State University. In that role, she oversees the university's compliance and ethics programs, including international, federal, state, and local requirements in areas ranging from athletics to research. In addition, Ms. Blank served six years as Associate General Counsel at FSU, focusing on open government and student affairs. A Tallahassee native, she is an alumna of Emory University (2003) and Florida State University College of Law (2006).



**Mr. Patrick Kelly** manages prevention programs and conducts investigations into controlled substance prescription fraud and diversion for a Fortune 500 pharmaceutical & healthcare organization. He has over 30 years of public service experience, including chief executive law enforcement positions with two different Florida municipalities and the Florida Attorney General's Office. He also was a long-time member and chair of the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission. Mr. Kelly has a bachelor's degree in Criminology from Florida State University, a Master of Science in Management from St. Thomas University, and an Educational & Human Resource Development doctorate from Florida International University, ABD.



# Staff

**Mr. Dwight Floyd** has served the Ethics Board for more than two and one-half years. Before joining the staff, he gained valuable experience with the Florida Department of Law Enforcement as a member of the staff for the Criminal Justice Standards and Training Commission, where he managed case files concerning the disciplining of law enforcement and corrections officers and implemented their training. Since joining our staff, he has designed and developed several ethics training courses leading to their adoption by the Ethics Board. He gives attention to detail and ensures every complaint is properly examined. He received a Bachelor of Science Degree in Political Science and Public Administration from Florida A&M University.



*Executive Director  
& Ethics Officee*

**Mrs. Lucy Atkins** is the assistant to the executive director and helps manage the office. She is the officer manager, oversees the budget and organizes Board meetings. Ms. Atkins is the longest serving member of the staff, joining the City of Tallahassee in 2015. Before joining the staff, she was a registered paralegal for a local attorney for 20 years (1995-2015); three years with the Florida Department of Health as a regulatory specialist; three years as legal secretary for a local law firm; three years as an Administrative Assistant with the Department of Professional Regulations, Division of Professions; two years with the Department of Professional Regulations, Division of Regulations as a regulatory specialist; and as a secretary since 1971.



*Administrative  
Specialist*

**Mr. John Reid** is a seasoned attorney with decades of legal experience. He advises the Board on enforcement responsibilities and training curricula. His work is essential to ensuring that the Board operates in compliance with the mandate provided by the charter and that the curricula align with the applicable laws, ordinances, and rules. Mr. Reid assists the Ethics Officer in evaluating current administrative procedures, bylaws, and city ordinances. In addition, Attorney Reid reviews complaints for legal sufficiency and probable cause, drafts advisory opinions and final orders, and provides recommendations to the Tallahassee Code of Ethics and the Ethics Board's bylaws and administrative procedures. Mr. Reid obtained a law degree from the University of Miami.



*Board Attorney*

**Allocation**  
**\$410,469**

**Operations**  
**96,502**

## Budget

### Sec. 62. - Ethics Office Established.

The ethics code established pursuant to [Section 61](#) shall provide for the establishment of a citywide Ethics Office under the exclusive jurisdiction of, and reporting to the independent Ethics Board, to discharge the duties and responsibilities of the Ethics Board as provided herein. The Ethics Office shall include an Ethics Officer/Director who may be a full time or part time city employee or independent contractor. The Ethics Office shall be funded by the City Commission within its discretionary budgetary authority at a level sufficient to discharge the Office's responsibilities.

**Salary**  
**Benefits**  
**211,002**

**EOY**  
**Balance**  
**102,965**

# Advisory Opinions

The Tallahassee Independent Ethics Board may issue advisory opinions related to ethics, conflict of interest, and any other topic over which it has jurisdiction. An advisory opinion is an interpretation of the City Charter as it applies to a set of facts provided in writing by the individual requesting the opinion. The purpose of an advisory opinion is to guide public officials and city employees before they engage in activities that may be prohibited.

The Tallahassee Independent Ethics Board issued these opinions during the 2021-2022 fiscal year:

## **Gifts - September 21, 2021**

**Q:** Does a procurement employee violate the Tallahassee Ethics Code ban on solicitation and acceptance of a gift if he or she receives a discount on personal cellular phone services when the discount is provided by Verizon Wireless, who is a city vendor?

**A:** Under the circumstances presented, the question is answered in the negative. The city ordinance refers to the state statute's definition of gifts for guidance. The state's definition provides that a preferential rate for services offered to all similarly situated government employees does not fall under the definition of gifts. As the terms of the contract with Verizon provide a discount to all government employees, the discount itself does not constitute a gift under the Tallahassee Ethics Code. Therefore, the employee would not be in violation.

## **Solicitation or Acceptance of Gifts - January 18, 2022**

**Q:** Does a city employee who sat on a procurement scoring committee for the City violate the Tallahassee Ethics Code ban on solicitation and acceptance of a gift by accepting a free conference pass for her/himself and up to three (3) more users from a private company, Anaplan, that provides software used to prepare the City's budget?

**A:** Yes. The Tallahassee Ethics Code prohibits "covered individuals" from soliciting or accepting gifts from city vendors. Covered individual is a legal term defined in the city ordinance. By definition, the employee is a covered individual who could not accept the gift.

## **Solicitation or Acceptance of Gifts - March 15, 2022**

**Q:** Must the City of Tallahassee require city vendors to disclose campaign contributions to Tallahassee City Commissions on the City conflict of interest forms associated with bids?

**A:** No.

**Gifts - June 21, 2022**

**Q:** Does the Special Projects Coordinator with the City of Tallahassee Electric & Gas Utility violate the municipal ethics code's ban on the solicitation and acceptance of gifts by seeking and receiving goods and services on behalf of the City for the purpose of using said goods and services towards the City's involvement with a local charity?

**A:** No. Based on the facts provided, the employee was accepting something of value as a conduit of her employer, and the recipient of the gift was, in fact, the City. Therefore, the inquirer would not solicit or accept an unlawful gift if she were to seek goods or services on behalf of the City for its participation in the American Cancer Society's Relay for Life of Leon County.

**Misuse of Position - June 21, 2022**

**Q:** Does the Special Projects Coordinator with the City of Tallahassee Electric & Gas Utility violate the municipal ethics code's misuse of public position provision by soliciting and accepting goods and services on behalf of the City for the purpose of using said goods and services towards the City's involvement with a local charity?

**A:** No. The act of soliciting or accepting gifts on behalf of the City to be used by the City for the American Cancer Society's Relay for Life of Leon County is consistent with the proper performance of her official duties and, therefore, is not a violation of misuse of position.

**Solicitation or Acceptance of Gifts – August 16, 2022**

**Q:** Does a city employee violate the Tallahassee Ethics Code ban on solicitation and acceptance of a gift if he or she receives a discount on rent at an apartment complex when the discount is provided to all city employees?

**A:** Under the circumstances presented, the question is answered in the negative. The act of a city employee, whether he or she is a "covered individual," accepting a discounted rate on rent at an apartment complex from a company that at times has retained a lobbyist, would not violate the ban on solicitation or acceptance of gifts under the Tallahassee Ethics Code because said discount is available to all similarly situated city employees.

## Recommendations to the City Commission

The City Charter directs the Ethic Board to "recommend proposed ordinances, resolutions, or charter amendments to the City Commission in all areas of ethics and corruption, including but not limited to: conflicts of interests, financial disclosure, voting conflicts, hotline policies, ethics education, ethics in procurement, campaign ethics and financing, and lobbying: such legislative proposals shall be filed and considered by the City Commission." The Board submitted several recommendations, of which three were acted upon, seven were heard and not acted upon, and one is still under consideration. The Board also discussed jurisdiction over associated government agencies.

### Heard and Acted Upon

#### **Section 2-8. Misuse of Public Position**

The proposed change limits violations to those acts done outside the expected duties of a public official or employee. The City Commission accepted the recommendation resulting in the following revision:

No public official or employee of the City shall use or attempt to use their official position or any city property or resource which may be within their trust, or perform or fail to perform, their official duties, in a manner inconsistent with the proper performance of the official's or employee's office and which the official or employee knows or should know with the exercise of reasonable care will result in a special privilege, benefit, or exemption for the employee, official, or others.

#### **Sec. 2-16. Penalties**

The proposed change allows the Board to dismiss complaints at any stage of the administration process if the Board finds doing so would be in the public's best interest. The section also provides additional remedies less than investigations and hearings. The City Commission accepted the recommendation resulting in the following revision:

Sec. 2-19(a) Notwithstanding any other provisions of this division, the ethics board may, at its discretion, dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is de minimis. For purposes of this section, a de minimus violation is one that was inadvertent or unintentional and not material in nature. In determining whether a violation was de minimis, the ethics board shall consider whether the interests of the public were protected despite the violation.

(b) Notwithstanding any other provisions of this division, the ethics board may, at its discretion, dismiss any complaint or referral at any stage of disposition if it determines that the public interest would not be served by proceeding further, in which case the Board shall issue a public report stating with particularity its reasons for the dismissal.

Sec. 2-19. - Settlement of complaints. Informal disposition of any complaint may be made by a settlement agreement between the ethics officer and the respondent, upon approval by the ethics board in a public meeting. The ethics officer is not required to present or propose to the ethics board a settlement offer from the respondent unless the ethics officer agrees to the terms of the offer.

Sec. 2-17. Disclosure or use of non-public information

The proposed change corrects a scrivener's error. The proposed amendment to section 2-17 corrects a scrivener's error and applies the section to city employees and elected officials. The City Commission revised the language in alignment with their intent to apply it only to elected officials.

### Heard and Not Acted Upon

#### **Lobbying Definitions**

The Board proposed language that places a greater emphasis on the definition of "lobbyist." As with the existing definition, it identified "lobbying" as work done by "lobbyists," but the new definition explicitly identified conduct that would fall under that job description.

#### **Registration of Issues and Contact Logs**

This Board recommended language that codifies information already required in the current lobbyist annual registration form. The Board also recommended that all covered individuals be required to ensure that those lobbying them on any particular issue are properly registered with the Office of the City Treasurer-Clerk. In addition, the Board recommended mandating contact logs between covered individuals and lobbyists. The duty to maintain and submit the logs would have been the responsibility of the lobbyist, and the logs were to be filed no later than three business days following the lobbying activity.

#### **Ban on Contingency Fees**

As it applies to lobbyists appearing before the state legislature, Florida law strictly bars lobbyists from being paid on a contingency basis, with a narrow exception for claims bills. The Board recommended the City of Tallahassee adopt similar language for lobbyists appearing before the City. As the issue of claims bills is not relevant to local governments, the proposed language bars contingency fees for lobbyists in all cases.

#### **Public Website**

The Board recommended language codifying the current policy of the City of Tallahassee. The language pertaining to quarterly compensation reports remained unchanged; however, the revision required that the compensation reports be available to the public through the City's website.

#### **Expanded Jurisdiction Over Lobbyists**

The municipal charter limits the jurisdiction of the City of Tallahassee Independent Ethics Board over "officers and employees of the City of Tallahassee, whether elected or appointed, paid or unpaid, over the members, officers and employees of any boards, commissions, or committees

thereof.". In addition, the ordinance designates the Independent Ethics Officer as "a point of contact for a complaint regarding a failure of a lobbyist to register" with the City. This proposed charter amendment would have included lobbyists within the jurisdiction of the Board.

### **Incorporating the Board's Role in Lobbyist Enforcement**

The proposed language would have allowed the Independent Ethics Officer to initiate a complaint against a lobbyist through the Office of the Treasurer Clerk and established the Independent Ethics Board as a secondary administrative step for those penalized lobbyists seeking judicial review of their penalties or discipline.

Under Consideration

### **Limited Jurisdiction over Whistleblower Complaints**

The recommended language gives the Ethics Board limited jurisdiction over whistleblower complaints where the Office of Inspector General lacks jurisdiction. Currently, the Office of Inspector General cannot serve as the "appropriate local official" in cases that involve the mayor and his staff, City Commissioners and their staff, and those within the Inspector General's office.

Board Jurisdiction

### **The CRA and Blueprint**

The Ethics Board also discussed whether it has jurisdiction over the Community Redevelopment Agency (CRA) and Blueprint Intergovernmental Agency (Blueprint). The Ethics Board concluded that the board members governing these agencies are public officials of the City of Tallahassee and are within the Ethics Board's jurisdiction. The Ethics Board asked the City Commission to revise the City ordinance to make clear its intent as to whether CRA and Blueprint staff paid by the City are city employees and, therefore, under the Ethics Board's jurisdiction. The City Commission held that neither the CRA nor Blueprint are within the Ethics Board's jurisdiction and that a revision to the City Ordinance is unnecessary. The Ethics Board will continue to respond to ethics complaints concerning these entities based on its interpretation of the City Ordinance.



# Training

## **New Employee Ethics Training**

The Board approved an update to the Honoring Public Trust through Ethical Behavior course. The Ethics Officer conducted twenty-six training sessions through classroom instruction and online training for over three hundred new City employees.

## **New Member Orientation/ Internship Orientation**

The Ethics Officer gave several briefings on social media and the ethics code preliminary to the required in-depth new employee ethics training. He also gave a briefing to interns during their orientation.

## **Annual Ethics Training**

The Board adopted an online course, Putting Ethics First, providing an ethics refresher and emphasizing the City's organizational values. Over three thousand city employees and the City's appointed officials completed this training.

## **Elected Officials and their Aides**

The staff coordinated with the Board Attorney, and the City Attorney's Office, to deliver scenario-based training to City officials and their aides to meet training requirements in the Florida Statute and City Ordinance.

## **Community Redevelopment Agency (CRA) Training**

At the request of the CRA staff, the Ethics Officer provided a brief session on the ethics code to members of the Frenchtown/Southside Districts and the Downtown District Committee. This training is provided annually.

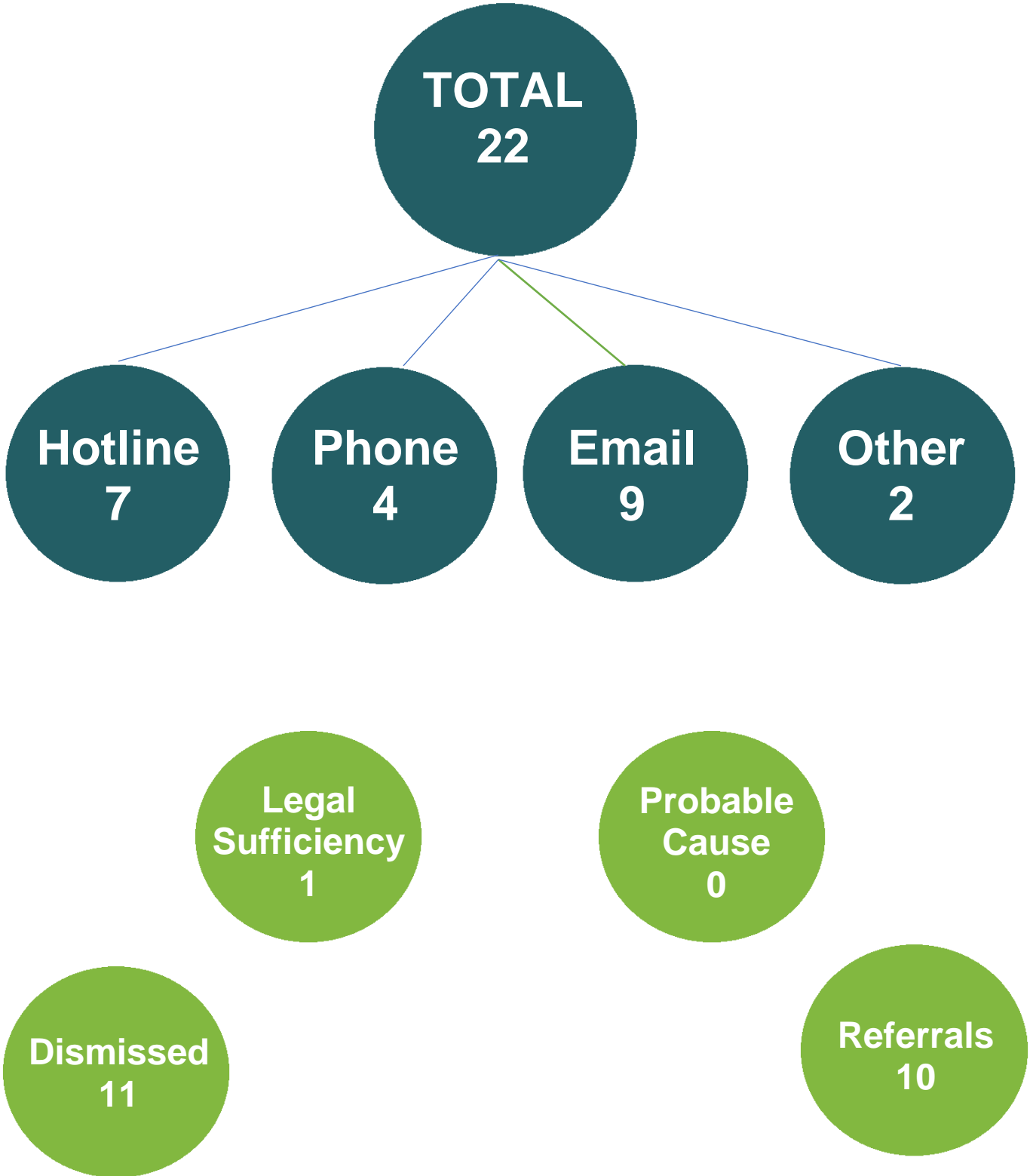
## **Future Leaders Training Academy**

The Tallahassee Future Leaders Academy is a youth leadership program led by the City Department of Community Services. Teens work while also learning, growing, and gaining skills and certification. The Board adopted an ethics training course for Future Leaders Training Academy participants. Seventy-six high school students eagerly participated in the training.

## **Ethics Guide**

The Board maintains an ethics guide to inform Tallahassee residents, City employees, and Commission-appointed advisory boards and committees. In 2022 the guide was updated to reflect changes in the makeup of the Board and revisions to the Ethics Code. The guide continues to be a resource to help citizens and city employees understand policies and rules guiding the City of Tallahassee's ethical standards.

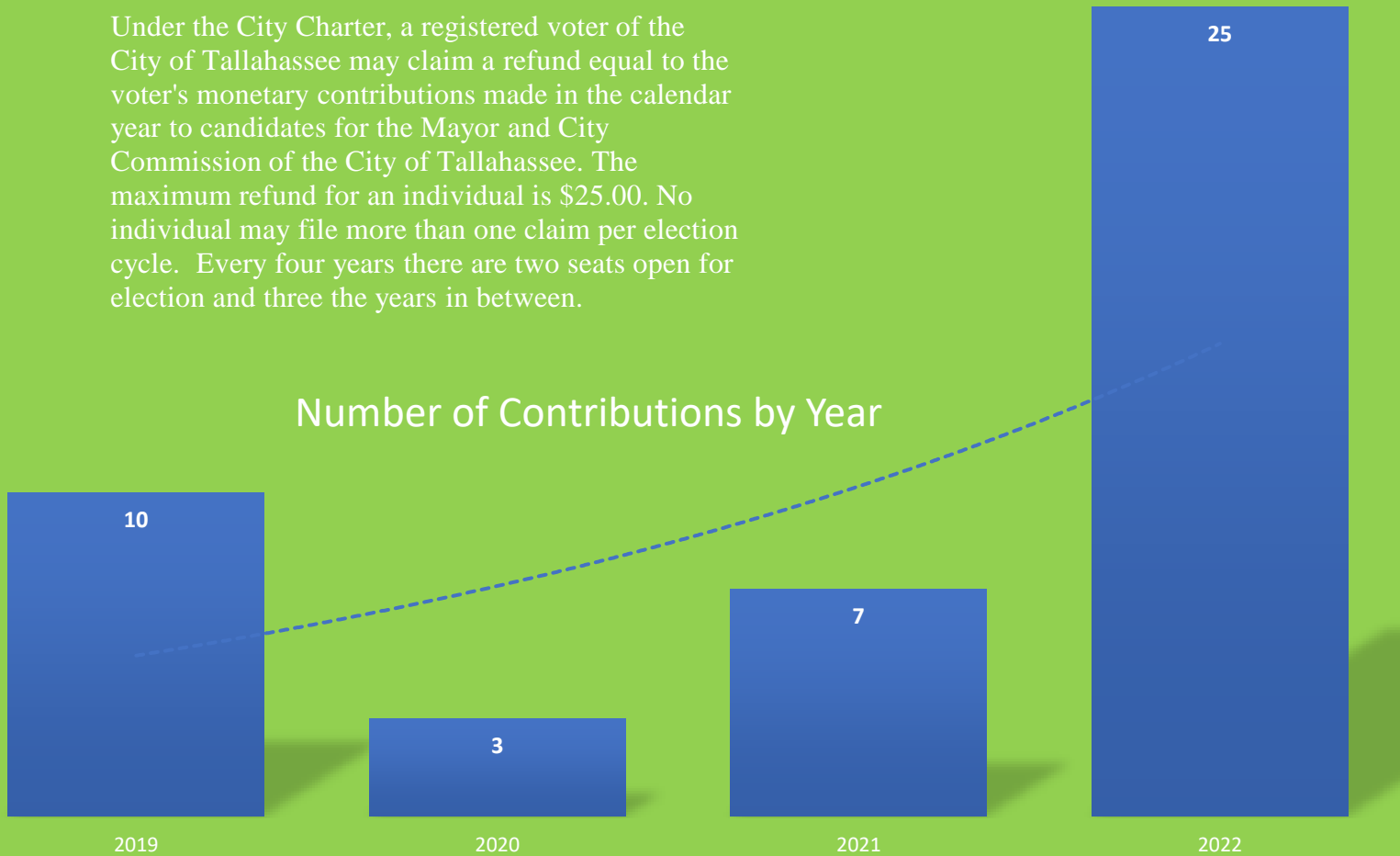
# Complaints



# Campaign Contribution Refund Program

Under the City Charter, a registered voter of the City of Tallahassee may claim a refund equal to the voter's monetary contributions made in the calendar year to candidates for the Mayor and City Commission of the City of Tallahassee. The maximum refund for an individual is \$25.00. No individual may file more than one claim per election cycle. Every four years there are two seats open for election and three the years in between.

### Number of Contributions by Year



### Candidates Receiving Contributions in 2022

Candidate	Contributors	Amount
David Bellamy	0	0
John E. Dailey	0	0
Kristin Elizabeth Dozier	4	\$100
Shelby Jade Green	1	\$25
Michael Ibrahim	0	0
Whitefield Leland III	0	0
Adner Marcelin	20	485
Jeremy Arthur Matlow	0	0
Dianne Williams-Cox	0	0
<b>TOTAL</b>	<b>25</b>	<b>610</b>

# Strategic Planning

Through a referendum in 2014, an Ethics Ordinance was established, creating the Tallahassee Independent Ethics Board, a seven-member body appointed by the City Commission, Florida A&M University, Florida State University, State Prosecutor's Office, Public Defender's Office, and two selected at large by the Board members. Staff for the Ethics Office includes an executive director/ethics officer and administrative specialist. The Board contracts with a legal advisor.

The Board oversees ethics training for City officials, appointees, employees, and advisory board members. The Board has subpoena power and investigates alleged violations of the Ethics Code. The Board relies on citizens, vendors, City employees, and City officials to report violations of the Ethics Code.

The Board reviews its strategic plan at the end of the fiscal year and updates its priorities and strategies. Accordingly, the Board has established the following priorities.

## Priorities

1. Investigate alleged violations of the Ethics Code and administer a formal process for resolving complaints.
2. Encourage Tallahassee residents, City officials, City employees, advisory board members, and those conducting business with the City, to maintain the highest ethical standards and report any perceived violations.
3. Ensure every City official, City employee, and advisory board or committee member attends ethics training annually and can apply what they learn.
  - a) Provide ethics training to newly elected and current City officials, their aides, and City appointees.
  - b) Administer a refresher course online for City employees
  - c) Conduct ethics training for new and existing employees.
  - d) Provide Advisory opinions concerning the Ethics Code.
4. Make recommendations to the City Commission that strengthens local ordinances governing the conduct of elected and appointed City officials, City employees, vendors, contractors, and lessees.
5. Create an environment where citizens in the community actively participate in election campaigns, and candidates and City officials prioritize their interests and concerns.

