

CITY OF JACKSONVILLE

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JUDGE LINDA MCCALLUM
SCOTT SIMPSON

ETHICS COMMISSION

Ethics Commission Annual Report 2023

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2023. This report summarizes the activities and successes of the Ethics Commission in effectuating its duties and obligations as stated in the City of Jacksonville Charter and Jacksonville Ordinance Code.

I. Ethics Commission Membership and Support Staff:

During 2023, the Ethics Commission was comprised of the following members.

MEMBER NAME	POSITION	APPOINTING ORGANIZATION
1. Carlton DeVooght (resigned 2-28-2023)	Member	Mayor
2. J. J. Dixon	Commission Vice Chair & Complaints Chair	Sheriff
3. Dr. Erich Freiberger	Member	City Council President
4. Darcy Galnor	Legislative Chair	State Attorney
5. Sunny Gettinger	Member	Mayor
6. LaTonya Lipscomb Smith	Open Government Chair	Ethics Commission
7. William Maule	Member	Public Defender
8. Linda F. McCallum	Internal Operations Chair	Chief Judge
9. Ellen Schmitt	Commission Chair	Ethics Commission
10. Scott Simpson	Nominating Committee Chair	Ethics Commission

In addition to the Ethics Commission, the members also served on one or more of the Ethics Commission's committees: (1) Complaints; (2) Internal Operations; (3) Legislative; (4) Open Government and (5) Nominating (ad hoc committee). Please see the attached list of specific committee assignments.

In accordance with the Charter, the Ethics Commission regularly was supported by the following City employees: (1) Kirby Oberdorfer, Executive Director, Office of Ethics, Compliance and Oversight ("Ethics Office"); (2) Sandy Homrighouse, Executive Assistant, Ethics Office; (3) Paige Johnston, Ethics Attorney, Ethics Office; (4) Carla Miller, Senior Advisor, Ethics Office; (5) Andrea Myers, Program and Training Manager, Ethics Office; and (6) Cherry Shaw Pollock, Assistant General Counsel, Office of General Counsel.

II. **Summary of Ethics Commission and Committee Meetings**

During 2023, the Ethics Commission met as a body during eight (8) separate meetings to address various issues raised before the Commission. Additionally, the respective committees held a total of six (6) meetings to complete assigned tasks.

The notices, agendas, minutes and audio recordings of the Ethics Commission and committee public meetings are posted on the Ethics Office webpage and may be accessed via the following link: <https://www.coj.net/departments/ethics-office/notices,-agendas-minutes> .

III. **Major Areas of Focus**

In accordance with its duties and obligations in the City of Jacksonville Charter and the Ordinance Code, the Ethics Commission focused its 2023 work in the following areas.

1. **Investigation and Disposition of Complaints Alleging Violation(s) of Chapter 602**

The Ethics Commission had one (1) pending case at the conclusion of 2022 and received fourteen (14) new complaints in 2023 alleging potential violations of various provisions in Chapter 602, the Jacksonville Ethics Code. In accordance with Florida Statutes section 112.324 and the Jacksonville Ordinance Code, the Complaints Committee met in three (3) separate Executive Session "Shade" meetings to address the allegations in the various complaints. The Ethics Commission also met as a whole in one (1) Executive Session "Shade" meeting.

Through its work and the Executive Session "Shade" meetings, the Ethics Commission disposed of ten (10) complaints. Five (5) cases were dismissed under Ethics Commission Complaint Procedures Rules 6(e) and 1(c) due to legal insufficiency. Three (3) cases were dismissed pursuant to Complaint Procedures Rule 17(a)(1) upon a finding that the public interest would not be served by continued proceedings. One (1) complaint was referred to the Office of Inspector General for further action. The Ethics Commission declined to take action on a request for an investigation and potential findings of a

violation(s) of the Chapter 602 due to lack of jurisdiction. Five (5) complaints remained pending at the conclusion of 2023.

During extensive meetings, the Ethics Commission examined a request for an investigation and potential findings of a violation(s) of Chapter 602 from a City Council special committee related to allegations of a misuse of position and provision of incomplete information by a City official. The Ethics Commission voted to take no action on the matter because the Commission determined it had no jurisdiction for the following reasons: (1) the request for an investigation and potential findings of a violation(s) of Chapter 602 was not submitted in a sworn complaint under *Jacksonville Ordinance Code section 602.921(a)* and (2) even if a sworn complaint had been filed, the information provided related to events that were outside of the two-year statute of limitations in *Jacksonville Ordinance Code section 602.939*.

The Ethics Commission also examined complaints against several City officials alleging a misuse of position. Following research and information obtained from the State Ethics Commission, the Jacksonville Ethics Commission dismissed the complaints for legal insufficiency because the officials relied upon legal advice from the Office of General Counsel and there was no allegation in the complaints that the City officials acted solely for personal reasons.

2. **Legislation Regarding Changes to Ethics Training Requirements in Jacksonville Ordinance Code Section 602.1001 Approved by Ethics Commission and City Council**

The Ethics Commission approved recommending to City Council proposed changes to the requirements in Jacksonville Ordinance Code section 602.1001 regarding ethics training. The changes permit the Ethics Director to set the appropriate time for training and the provision of a digital confirmation of completion of all ethics training provided by the Ethics Office. City Council approved these changes to section 602.1001 in Ordinance 2023-53 enacted by Council on February 28, 2023.

3. **Revisions to Ethics Commission Complaint Procedures Rules 1(a) and 5(f)**

Following discussion at Ethics Commission and Legislative Committee meetings, the Ethics Commission approved changes to Complaint Procedures Rules 1(a) and 5(f). Rule 1(a) was amended to clarify the types of complaints that the Commission can consider. Rule 5(f) was amended to prohibit the filing of complaints against a candidate within 60 days of an election and to also include the current prohibition in the State Ethics Code against announcing an intention to file such a complaint.

4. **Recommendation of Change to Jacksonville Ordinance Code Section 602.921(c)**

The Ethics Commission approved a recommendation of the Legislative Committee to request legislation to replace the current language in Jacksonville Ordinance Code section 602.921(c) with language from the City of Jacksonville Charter Article I section 1.202(d). Charter Article I section 1.202(d) authorizes the Commission to “recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interest, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying.” The Ethics Commission agreed to request the legislation be filed with City Council on a future date.

5. **Appointment/Reappointment of Ethics Commission Members**

Following solicitation of applications and interviews of applicants for a vacancy on the Commission resulting from the resignation of Imani Boykin, the Nominating Committee recommended that the Ethics Commission appoint Scott Simpson for the vacancy. The Ethics Commission appointed Mr. Simpson at its January 11, 2023 meeting and he was confirmed by City Council on February 28, 2023.

Council President Salem reappointed Dr. Freiburger to the Commission for a second full term beginning January 1, 2024 and expiring December 31, 2026. Dr. Freiburger was confirmed by City Council for a second full term on November 28, 2023.

State Attorney for the Fourth Judicial Circuit Melissa Nelson appointed Robyn Blank to the Commission for a first full term beginning January 1, 2024 and expiring December 31, 2026, to replace Darcy Galnor. Ms. Galnor’s second full term ended December 31, 2023. Ms. Blank was confirmed by City Council on December 12, 2023.

Mayor Deegan appointed Sunny Gettinger for the vacancy on the Ethics Commission due to the resignation of Carlton DeVooght. Ms. Gettinger was appointed for a partial term ending December 2024 and a full term ending December 30, 2027. Ms. Gettinger was confirmed by City Council on January 23, 2024.

The Nominating Committee approved the solicitation of applications and interviews of applicants in August 2023 for an upcoming vacancy on the Commission due to Ms. Schmitt completing her second full term on December 31, 2023. Following interviews of applicants, the Nominating Committee recommended that the Ethics Commission appoint Leah Palestrant for a first full term beginning January 1, 2024. The Ethics Commission appointed Ms. Palestrant at its October 30, 2023 meeting. Ms. Palestrant was confirmed by City Council on January 10, 2024.

6. **Approval of Increase in Compensation for Ethics Director**

At its December 18, 2023 meeting, the Ethics Commission passed a resolution unanimously recommending an increase to the salary for the Director of the Office of Ethics, Compliance and Oversight.

Pursuant to City of Jacksonville Charter Article I section 1.202(f) and Jacksonville Ethics Ordinance Code section 602.612, the Ethics Commission is empowered to select and hire the Executive Director of the Office of Ethics, Compliance and Oversight. Additionally, the Commission is authorized under section 2.2 of the City's Appointed Officials and Employees Salary and Employment Plan to recommend changes in compensation for the Director "at the beginning of the fiscal year or at any time during the year for justifiable reasons which are reasonable and within financial resources and applicable salary ranges."

ATTACHMENT

Ethics Commission 2023 Committee Assignments

Complaints

1. J.J. Dixon CHAIR
2. Darcy Galnor
3. William Maule
4. Erich Freiberger

Internal Operations

1. Linda McCallum CHAIR
2. LaTonya Lipscomb Smith
3. Scott Simpson

Legislative

1. Darcy Galnor CHAIR
2. Erich Freiberger
3. William Maule
4. Linda McCallum

Open Government

1. LaTonya Lipscomb Smith CHAIR
2. J.J. Dixon
3. Scott Simpson

Ad Hoc Nominating

1. Scott Simpson CHAIR
2. J.J. Dixon
3. William Maule
4. Ellen Schmitt