

## CITY OF JACKSONVILLE

J.J. DIXON  
*CHAIR*

ROBYN BLANK  
SUNNY GETTINGER  
LATONYA LIPSCOMB SMITH



ERICH FREIBERGER  
*VICE CHAIR*

WILLIAM MAULE  
JUDGE LINDA MCCALLUM  
LEAH PALESTRANT  
SCOTT SIMPSON

## ETHICS COMMISSION

### Ethics Commission Annual Report 2024

In accordance with the Jacksonville Ordinance Code, the Jacksonville Ethics Commission submits its Annual Report for calendar year 2024. 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 2024, the Ethics Commission was comprised of the following members:

| MEMBER NAME               | POSITION  | APPOINTING ORGANIZATION |
|---------------------------|---|-------------------------|
| 1. Robyn Blank            | Member  | State Attorney          |
| 2. J. J. Dixon            | Commission Chair  | Sheriff                 |
| 3. Dr. Erich Freiburger   | Commission Vice Chair & Complaints Chair  | City Council President  |
| 4. Sunny Gettinger        | Member  | Mayor                   |
| 5. LaTonya Lipscomb Smith | Member  | Ethics Commission       |
| 6. William Maule          | Legislative Committee Chair & Nominating Committee Chair for Selection of New Commission Member | Public Defender         |
| 7. Linda F. McCallum      | Internal Operations Chair   | Chief Judge             |
| 8. Leah Palestrant        | Member  | Ethics Commission       |
| 9. Scott Simpson          | Open Government Chair & Nominating Committee Chair for Election of Officers                     | 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 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) Andrea Myers, Program and Training Manager, Ethics Office; (5) Dylan Reingold, Deputy General Counsel, Office of General Counsel; and (6) Cherry Pollock, Assistant General Counsel, Office of General Counsel.

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

During 2024, 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 seven (7) 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 2024 work in the following areas.

### **A. Investigation and Disposition of Complaints and Referrals Alleging Violation(s) of Chapter 602**

The Ethics Commission had seven (7) pending cases at the conclusion of 2023 and received sixteen (16) new complaints and referrals in 2024 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 four (4) separate Executive Session "Shade" meetings to address the allegations in the various complaints and referrals. The Ethics Commission also met in two (2) Executive Session "Shade" meetings.

Through its work and the Executive Session "Shade" meetings, the Ethics Commission disposed of twenty-three (23) complaints and referrals. Five (5) cases were dismissed under Ethics Commission Complaint Procedures former Rule 9(c)(1)<sup>1</sup> for failure to allege a

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<sup>1</sup> The requirements and process for filing a complaint with the Ethics Commission changed June 21, 2024 because of SB 7014 being enacted into law. To comply with the provisions of the new law, the Ethics Commission amended its Complaint Procedures, which included the removal of Rules 8 & 9 and renumbering of the remaining rules.

violation of the Ethics Code. Fourteen (14) cases were dismissed pursuant to Complaint Procedures former Rule 17(a)(1)/current Rule 15(a)(1)<sup>2</sup> upon a finding that the public interest would not be served by continued proceedings. One (1) case was dismissed under former Rules 9(c)(1) and 17(a)(1). Two (2) cases were dismissed pursuant to Complaint Procedures Rule 6(a)(1)<sup>3</sup> due to failure to allege an Ethics Code violation. One (1) case was dismissed with a Letter of Instruction pursuant to current Complaint Procedures Rule 15(a)(2). Zero (0) complaints and referrals remained pending at the conclusion of 2024.

During extensive meetings, the Ethics Commission examined an anonymous complaint<sup>4</sup> against a City of Jacksonville employee alleging misuse of City time, position and/or resources by the employee providing resume drafting and interview services in a private capacity for compensation to persons applying for an open position in the employee's department. Following an investigation by the Office of Inspector General that confirmed the employee performed this private work during City work hours while using City resources, the Complaints Committee recommended to the Ethics Commission to self-initiate a complaint. As a result of additional information obtained during its proceedings, including information presented by the City employee, the Ethics Commission issued a Final Order of Dismissal of Complaint dismissing the Complaint under former Rule 17(a)(1) as not in the public interest to proceed further due to the employee discipline imposed by Employee Services.

The Complaints Committee considered a complaint against several City employees alleging misuse of City time for attending a political event while on City work hours and submitting fraudulent timesheets. Following confirmation by the Office of Inspector General that the employees utilized personal leave to attend the event in compliance with City policy, the Complaints Committee dismissed the complaints under former Rules 9(c)(4) and 17(a)(1) as not in the public interest to proceed further because the allegations could not be substantiated.

The Complaints Committee examined a complaint against a City official alleging improper acceptance of a prohibited gift from a City vendor of the use of a private suite at a Jaguars game and failure to report the gift. Following a preliminary investigation, including interviews of five (5) City employees and an employee of the City vendor, the Complaints

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<sup>2</sup> Rule 17(a)(1), in effect until the changes in 2024 to the Ethics Commission Complaint Procedures, was renumbered to Rule 15(a)(1) in the current version of the Complaint Procedures adopted after the enactment of SB 7014. The change affected only the numbering of this rule and not the language of the rule.

<sup>3</sup> This rule was not changed during the 2024 revisions to the Complaint Procedures.

<sup>4</sup> This complaint was received and dismissed by the Ethics Commission prior to the enactment of SB 7014 under its authority at that time to receive anonymous complaints and self-initiate a complaint. As a result of the enactment of SB 7014, the Ethics Commission does not have authority to receive anonymous complaints and self-initiate a complaint and the Ethics Commission amended its Complaint Procedures to comply with this change.

Committee dismissed the Complaint under former Rule 17(a)(1) as not in the public interest to proceed further because the facts alleged could not be substantiated.

The Complaints Committee also considered Referrals from a City agency against two former City of Jacksonville employees and one current City of Jacksonville employee for a potential violation of the secondary employment restrictions in the local Ethics Code resulting from the employees performing work on personal vehicles of supervisors or co-workers for extra compensation during City work hours utilizing City equipment and failing to file a request for secondary employment. The Complaints Committee dismissed the Referrals against the two former City employees under current Rule 15(a)(1) as not in the public interest to proceed further because the employees resigned their City employment. The Complaints Committee also dismissed the Referral against the current City of Jacksonville employee under Rule 15(a)(2) with a Letter of Instruction.

The Complaints Committee extensively examined a complaint against two former City employees alleging potential violations of various restrictions of the local Ethics Code, including misuse of City positions, confidential information and resources, secondary employment and post-employment resulting from the former employees' solicitation of citizens to contract with their private business to mitigate City fines and liens on the citizens' behalf. The Office of General Counsel conducted a thorough investigation, including examination of numerous documents and interviews of City employees. Following completion of the Office of General Counsel's investigation, the Complaints Committee dismissed the Complaints under former Rules 9(c)(4) and 17(a)(1) as not in the public interest to proceed further because the investigation could not substantiate any of the allegations.

The Complaints Committee also considered a complaint against a current JEA employee alleging misuse of position and resources and failure to disclose a financial interest in a bid to JEA related to purchase awards issued by JEA to a private company that employed the JEA employee's boyfriend. The Office of Inspector General investigated the Complaint and interviewed multiple JEA employees. Following the conclusion of the investigation, the Complaints Committee dismissed three allegations under former Rule 9(c)(1) because the Office of Inspector General's investigation found the JEA employee was not involved in any JEA purchases from the company employing the boyfriend and the requirements for disclosure of a financial interest in a bid under Ordinance Code section 602.406 were not met. There was no evidence to substantiate that the JEA employee owned any financial interest in the company or that the JEA employee received a financial gain from purchases JEA made from the company. Additionally, the Complaints Committee referred one allegation under former Rule 9(c)(2) to JEA Human Resources per the Office of Inspector General's recommendation.

**B. Enactment of Senate Bill 7014 and Implementation of Changes to Jacksonville Ethics Commission’s Duties and Powers in the Ordinance Code and the Jacksonville Ethics Commission Complaint Procedures**

On June 21, 2024, Senate Bill 7014 (“SB 7014”) was enacted into law immediately and effectuated several significant changes to the complaint process of the Jacksonville Ethics Commission and other local ethics commissions, including the following requirements: (1) all complaints have to be made in writing and signed under oath, thereby eliminating the ability to receive anonymous complaints; (2) all complaints have to be based upon personal knowledge or information other than hearsay; and (3) eliminating the ability of the Ethics Commission to self-initiate complaints and investigations.

Following the passage of SB 7014 by the Florida Legislature and prior to the enactment of SB 7014 into law, the Jacksonville Ethics Commission met on March 14 and May 13, 2024 to consider and approve recommended changes to its duties and powers in Jacksonville Ordinance Code Chapter 602 Part 9 that would be required once SB 7014 became law, to ensure compliance with state law as soon as possible. The Ethics Commission directed the Ethics Office staff to draft the approved changes to Chapter 602 Part 9 in anticipation of SB 7014 becoming law and to request the bill be filed upon enactment of SB 7014 into law.

Upon the Governor signing SB 7014 into law on June 21, Ordinance 2024-499 was filed on behalf of the Ethics Commission to amend certain provisions in Chapter 602 Part 9 to conform the Ethics Commission’s duties and powers to the new state law. City Council adopted Ordinance 2024-499 on July 23, 2024, which included the following changes:

1. requiring complaints to be in writing and signed under oath;
2. requiring complaints to be based upon personal knowledge or information other than hearsay;
3. authorizing the Ethics Commission to receive written referrals from the Council Auditor, Employee Services, Inspector General or State Attorney for the Fourth Judicial Circuit to conform with the requirement in Jacksonville Ordinance Code section 602.624 and the legislative intent of SB 7014;
4. eliminating the provisions that City Council enacted in 2011 to allow the Ethics Commission to self-initiate complaints. Included a new provision specifically stating the Ethics Commission is not authorized to initiate an investigation or complaint;
5. eliminating the power of the Ethics Commission to receive tips and information confidentially through the Ethics hotline;
6. including Inspector General as an entity that can assist in investigating Ethics Commission complaints to conform with the City Charter and current practice;

7. eliminating the power of the Ethics Commission in then section 602.921(c) to act on an employee or citizen complaint or its own initiative to seek information and gather facts about a potential violation. Replaced this provision with the current authority of the Ethics Commission in the City Charter to recommend changes in ethics areas to City Council.
8. clarifying the Ethics Commission can issue a letter of instruction in cases where warranted and removing limitation of the issuance of a letter when it appears that the alleged violation was inadvertent, unintentional or insubstantial.

The Ethics Commission also adopted amendments to its Complaint Procedures on May 13 and November 18, 2024 to incorporate the changes to the complaint process and its duties effectuated by the enactment of SB 7014 and revisions to Chapter 602 Part 9, including, but not limited to:

1. deleting Rules 8 and 9 governing self-initiation of complaints and investigations based on hotline tips/complaints and any references to self-initiated complaints and hotline tips;
2. clarifying the only type of complaints the Ethics Commission can receive and investigate under SB 7014 by deleting differentiation between Complaints and Sworn Complaints;
3. revising definition of Complaint to include limitations in SB 7014 of written complaint based upon personal knowledge or information other than hearsay;
4. including a definition of personal knowledge or information other than hearsay;
5. including a requirement from SB 7014 that complaints be based upon personal knowledge or information other than hearsay and adding a procedure for legally sufficiency review of basis of information included in complaint;
6. clarifying that any attorney in Office of General Counsel can be an investigator for Ethics Commission Complaints to be consistent with Jacksonville Ordinance Code section 602.921(a); and
7. clarifying process and procedures for Referrals.

**C. Appointment of New Ethics Commission Members and Election of Ethics Commission Officers**

Sheriff Waters appointed David Thompson to the Ethics Commission for a first full-term beginning January 1, 2025, and expiring December 31, 2027, to replace J.J. Dixon. Ms. Dixon's second full term ended December 31, 2024. Mr. Thompson was confirmed by City Council on December 10, 2024.

The Nominating Committee approved the solicitation of applications and interviews of applicants in August 2024 for an upcoming vacancy on the Ethics Commission due to Ms. Lipscomb Smith completing her second full term on December 31, 2024. Following interviews with applicants, the Nominating Committee recommended that the Ethics Commission appoint Sean Mulholland for a first full-term beginning January 1, 2025. The Ethics Commission appointed Mr. Mulholland at its October 28, 2024, meeting. Mr. Mulholland was confirmed by City Council on December 10, 2024.

Additionally, the Nominating Committee convened on November 18, 2024 to interview three Ethics Commission members that expressed an interest in serving as an officer during 2025 and make officer recommendations to the Ethics Commission. Following the interviews and consideration of the qualifications and attributes of the officer candidates, the Nominating Committee recommended that the Ethics Commission elect Dr. Freiburger to serve as Chairperson and Mr. Maule to serve as Vice Chairperson of the 2025 Ethics Commission. The Ethics Commission elected Dr. Freiburger as Chair and Mr. Maule as Vice-Chair at its November 18, 2024 meeting.

#### **D. Reappointment of Ethics Director**

Pursuant to City of Jacksonville Charter Article I section 1.202(f) and Jacksonville Ordinance Code section 602.921(e), the Ethics Commission is empowered to select and hire the Executive Director of the Office of Ethics, Compliance and Oversight.

At its June 17, 2024, meeting, the Ethics Commission unanimously reappointed Ms. Oberdorfer as the Director of the Office of Ethics, Compliance and Oversight for a three-year term effective October 1, 2024. To effectuate the reappointment, the Commission passed a resolution unanimously recommending that City Council confirm the reappointment of Ms. Oberdorfer as the Ethics Director for a three-year term effective October 1, 2024. City Council unanimously confirmed the reappointment of Ms. Oberdorfer as Ethics Director on August 13, 2024 through approval of Resolution 2024-497-A.

## ATTACHMENT

### Ethics Commission 2024 Committee Assignments

#### **Complaints**

- |                           |       |
|---------------------------|-------|
| 1. Erich Freiburger       | CHAIR |
| 2. LaTonya Lipscomb Smith |       |
| 3. William Maule          |       |
| 4. Robyn Blank            |       |

#### **Internal Operations**

- |                           |       |
|---------------------------|-------|
| 1. Linda McCallum         | CHAIR |
| 2. LaTonya Lipscomb Smith |       |
| 3. Scott Simpson          |       |
| 4. Leah Palestrant        |       |

#### **Legislative**

- |                     |       |
|---------------------|-------|
| 1. William Maule    | CHAIR |
| 2. Erich Freiburger |       |
| 3. Sunny Gettinger  |       |
| 4. Linda McCallum   |       |

#### **Open Government**

- |                    |       |
|--------------------|-------|
| 1. Scott Simpson   | CHAIR |
| 2. Robyn Blank     |       |
| 3. Leah Palestrant |       |
| 4. Sunny Gettinger |       |

#### **Ad Hoc Nominating for Ethics Commission Election of Officers**

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

#### **Ad Hoc Nominating for Selection of New Commission Member**

- |                    |       |
|--------------------|-------|
| 1. William Maule   | CHAIR |
| 2. Robyn Blank     |       |
| 3. Sunny Gettinger |       |
| 4. Leah Palestrant |       |