

TALLAHASSEE INDEPENDENT ETHICS BOARD

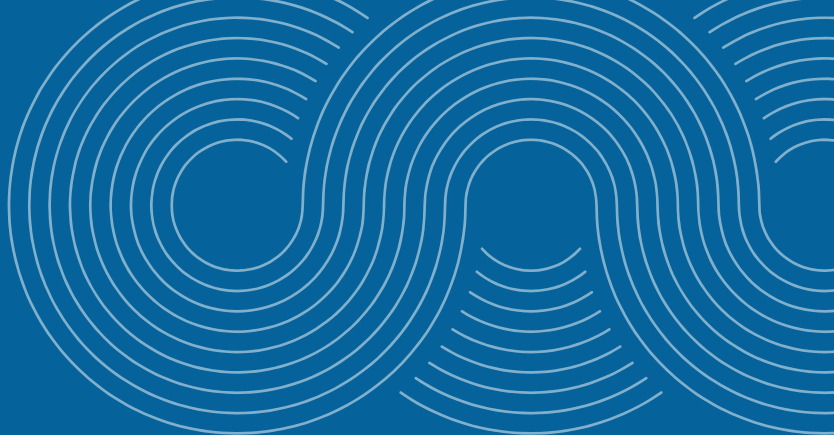
ETHICS GUIDE

A GUIDE FOR TALLAHASSEE RESIDENTS AND CITY EMPLOYEES



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About Us

Mission:

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

The Ethics Board meets on the third Tuesday of each month to conduct business. The time and location can be found on the Board's website.

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.

Primary Responsibilities

Ethics Hotline- The City Charter establishes the Ethics Office to receive calls that allege a violation of the ethics code. The Tallahassee Independent Ethics Board provides the necessary procedures and policies to govern the effective management of the ethics hotline.

Ethics Complaints- The ethics officer receives complaints, investigates the allegations, and facilitates the process for administrative hearings. After the Ethics Board determines that there is probable cause to believe that a violation of the city code of ethics has occurred, the Board may order a public hearing before an administrative law judge. The administrative judge provides a recommended order to the ethics board containing findings of fact, conclusions of law, and recommended penalties. The Board is the final authority on any assessed penalties, barring the Respondent's appeal to the 2nd Judicial Circuit.

Advisory Opinions- The Ethics Board is authorized to provide written opinions on the application of the ethics code at the request of city officials, employees, and citizens. Examples: As a City official, can I endorse a candidate who is running for the City Commission? I have been invited to use my celebrity status to help raise money for a nonprofit by appearing on a radio show. Would this be a violation of the ethics code?

Campaign Contribution Refund Program- In November 2014, the people of Tallahassee amended the charter and created the Campaign Contribution Refund Program. Under this program, local voters who live within the city limits can claim a refund of up to \$25 for campaign contributions made to candidates for Mayor or City Commission. The goal of the Tallahassee Campaign Contribution Refund Program is to expand political engagement beyond the usual donors and encourage more citizens to get involved in the electoral process by providing an economic incentive for them to do so through funds allotted by the City of Tallahassee. The Ethics Office processes the applications for campaign contribution refunds.

Ethics Training –The Ethics officer coordinates with the City of Tallahassee Human Resource and Workforce Development (HRWD) to facilitate training. The HRWD maintains a record of the training. The City Charter requires:

1. For elected officials, an initial comprehensive ethics training course within 60 days of taking office, with refresher ethics training on an annual basis;
2. Training for elected officials and aides shall include the ethics code, and statutory requirements for voting conflicts, gift bans, campaign contribution limits, and restrictions on campaigning within government buildings;
3. Filing of documentation in personnel files indicating compliance with ethics training requirements;
4. Ethics training shall be offered to candidates seeking election to the city commission;
5. For appointed officials and city employees, each shall complete an in-depth ethics training course within 180 days of employment and every three years thereafter, with at least a one-hour refresher ethics course in the years in which employees are not required to attend an in-depth course. Appointed officials, executives, senior managers, and supervisors shall complete additional targeted or level-appropriate ethics training, as determined by the ethics officer; and
6. Members of quasi-judicial and other citizen-staffed advisory boards and advisory committees shall complete annual ethics training, with quasi-judicial board members undergoing additional training commiserate with their decision-making capacity. When possible, web-based training will be utilized.

The Ethics Code

Most people know about Federal codes and State statutes. These laws govern behavior and allow law enforcement, the courts, and others to enforce Federal and State laws and level penalties. You may not be as familiar with the local laws known as ordinances. When the building inspectors enforce local building codes, they act under the authority of local ordinances enacted under the City Charter. These ordinances have the same power as Federal codes and State statutes but do not replace them.

Through the City charter, there is an enforcement and training program called the Ethics Code. The charter establishes an Ethics Office that is led by the Independent Ethics Board, a seven-member body. Staff for the Ethics Office includes an executive director, administrative specialist, and legal counsel. Through the Ethics Office, the Board oversees ethics training for every City official, appointee, employee, and advisory board member on an annual basis. The Board has subpoena power and investigates alleged violations of the Ethics Code. The Board relies on citizens, City employees, and City officials to report violations of the Ethics Code.

Violations

The Board may investigate and level penalties for the following violations:

Sec. 2-8. - Misuse of public position.

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.

(Ord. No. 19-O-36AA, § 6, 12-4-2019; Ord. No. 22-O-16AA, § 1, 4-20-2022)

Covered individuals are:

- Elected City officials and their assistants and aides;
- Appointed City officials;
- Individuals appointed by the City Commission to any advisory, quasi-judicial, or any other board, commission, or committee of the City of Tallahassee;
- Employees and board members required by statute to file financial disclosure (Form 1).
- Individuals with purchasing approval authority of \$35,000 or more; and
- Procurement employees are defined to include any City employee who has participated in the previous 12 months in a procurement, the cost of which exceeds \$10,000.

Disclosure or use of non-public information: A covered individual shall not disclose or use information that is not available to members of the public and that was gained by reason of his or her official position, except for information relating exclusively to governmental practices, for the covered individual's personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(Ord. No. 19-O-36AA, § 15, 12-4-2019; Ord. No. 22-O-16AA, § 2, 4-20-2022)

Solicitation or Acceptance of gifts:

(a) No covered individual shall knowingly, directly or indirectly, accept or solicit a gift of any value from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lessee of city property, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the city, or from any potential vendor or lessee that is currently engaged in procurement or negotiations with the city or a bid protest.

(b) For the purpose of this section, the prohibitions of subsection 2-15(a) do not apply if the gift is not for the personal benefit of the covered individual, another covered individual, or his or her relative, as defined in section 2-3.

(c) For the purpose of this section, the prohibitions of subsection 2-15(a) do not apply to gifts solicited or accepted by a covered individual from a relative, as defined in section 2-3, even if the relative is a lobbyist or a vendor.

(Ord. No. 19-O-36AA, § 13, 12-4-2019)

Note: This particular ordinance excludes relatives of covered individuals, even when the relative is a lobbyist, lessee, or vendor. This exception allows the exchange of gifts between family members (i.e., Christmas gifts or birthday presents).

Penalties

Where based on a sworn complaint, any violation of the city's ethics code may result in one or more of the following:

- Oral reprimand
- Written reprimand
- Written letter of instruction
- Corrective action, including but not limited to restitution by the individual found to have committed a violation.
- Disgorgement of any pecuniary benefits received because of the violation committed.
- Fine not to exceed \$1,000.00 per violation
- Additional ethics training at the violator's expense
- Community service
- The Board may choose to impose no sanctions based upon mitigating circumstances or upon recognition that a public finding of an ethics violation imposes a sufficient penalty.
- The ethics board may order, where it has jurisdiction, the Complainant pay investigative costs to the City of Tallahassee when it is determined he or she knew at the time of the complaint that it was not supported by the material facts.

City Policy

Social Media Use (Administrative Policy 408.08): City employees who use Social Media for strictly personal use outside of the workplace do not require approval for such use. However, it is possible for these types of tools to sometimes blur the line between professional and personal interactions. Employees who have public facing positions known to the general public, employees who specifically identify themselves as employees of the City, and employees who provide context that reasonably leads to the conclusion that they are employees of the City (e.g., by displaying a photograph in which the employee is wearing a COT-branded shirt or which depicts the employee at a COT worksite), should ensure that their personal Social Media profiles and content are consistent with the public trust and with COT policies. Such employees should have no expectation of privacy if they post about City-related business via personal Social Media accounts. In all interactions, whether in person or on Social Media, employees are expected to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City.

Acceptance of Gratuities (s.706.06 F): No employee or member of the employee's family may accept gifts or gratuities from lobbyists registered with the City Treasurer-Clerk's Office. No employee or member of the employee's family may accept gifts or gratuities valued at more than \$100 from contractors, vendors and suppliers doing business with the City of Tallahassee, or who are seeking to do business with the City, or an entity that has interests that may be influenced by the employee in his/her/their job.

This policy shall not be interpreted to prevent an employee from engaging in a bona fide business transaction for goods and services from a firm doing business with the City when no special privilege or benefit is granted to or sought by the employee because of his/her/their status as a City employee.

The Gift Ban vs. Acceptance of Gratuities

Sec . 2-15, Tallahassee Ethics Code and Personnel Policy s. 706.06(F)

Gifts: (Ethics Code) Covered individuals “ Cannot knowingly, directly or indirectly, accepting or soliciting gifts of any value from current or potential lobbyists, vendors, or lessees of the City.”

All other employees: Acceptance of Gratuities Policy s. 706.06(F)

- Cannot accept any gift of any value from City lobbyists
- Cannot accepting any gift valued at more than \$100 from contractors, vendors and suppliers doing or seeking to do business with the City of Tallahassee.

How You Can Help

You should not participate in or ignore ethics violations. An ethics violation is a breach of public trust. How you respond will likely have an impact on the well-being of the workplace and community.

You may not be the person to initiate an action that violates public trust, but you may be encouraged to join in on the act. Whether tempted for personal gain or pressured to engage in an ethics violation, you should refuse to participate.

Sometimes saying no is easier said than done, especially when the pressure is from a peer or supervisor. You, however, do not want to be in a situation that could affect your career, your family or the community and that you could have avoided.

Refusing to participate isn't about looking the other way. Pretending that you did not see the violation is the same as joining. Unless you can stop the act before a breach occurs, you should report it.

Reporting an Ethics Violation

If you are aware of an ethics violation, it is your responsibility to report it. The Independent Ethics Office maintains the Ethics hotline, where you may report a violation. The hotline is available 24 hours a day to receive calls.

An alleged violation is not proof of guilt. Allegations must remain confidential in the event there is an investigation and to protect the innocent.

To report a violation, you may contact the Ethics Hotline at (850) 891-6550. If the Board finds that there is legal sufficiency to investigate an allegation, it can only act if there is a sworn complaint. To submit a sworn complaint, please download and complete the complaint form and mail it to:

Independent Ethics Office
(Renaissance Bldg-3rd FL)
435 N. Macomb Street
Tallahassee, Florida 32301

For answers to questions or to address other concerns, you may contact the Ethics Office at (850) 891-6551 or ethics@talgov.com. You may also visit the Ethics Office's website at <https://www.talgov.com/Main/ethics.aspx>.

The Complaint Process

When the Ethics Office receives a complaint, it must first determine if the allegation is legally sufficient. To be legally sufficient, the complaint must be submitted on a **sworn complaint form**, and the allegation must fall within the jurisdiction of the Board. To decide legal sufficiency, the Ethics Officer may obtain additional information. Upon a finding of legal sufficiency, the Board shall initiate a preliminary investigation. Within twenty (20) days of a finding of legal sufficiency, the Ethics Officer will provide by certified mail to the Respondent a copy of the complaint and any supporting documentation provided with the complaint at the time of filing. With the letter, the Respondent has fifteen (15) days to reply to the allegations in writing.

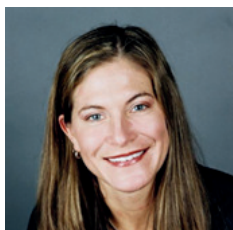
Once the Ethics Officer determines the complaint is legally sufficient, the Board will conduct a preliminary investigation. The investigator will gather all relevant facts, whether supportive or contrary to the allegation. If upon completion of the preliminary investigation, the Board finds no probable cause to believe that any violation of the ethics code has occurred, the Board will dismiss the complaint with the issuance of a public report to the Complainant and the Respondent, stating the reasons for dismissal. At that time, the complaint and all materials relating to the complaint are a matter of public record.

If upon completion of the preliminary investigation, the Board finds probable cause to believe that a violation of the ethics code has occurred, the Ethics Officer will provide a detailed finding of probable cause to the Complainant and the Respondent in writing. Such written findings and all documents made or received in the disposition of the complaint are public record.

The finding of probable cause includes a notice of rights, informing the Respondent of his or her right to a public hearing. With the notice, the Respondent has 21 days to request a formal or informal hearing or waive their right to a public hearing. By waiving their rights, they are accepting the facts and conclusions of the investigation and the final action taken by the Board. Should the Respondent deny any of the material facts outlined in the investigation, the Board will request a formal hearing before an administrative law judge with the state Division of Administrative Hearings. During the administrative hearing, the Board representative will serve as the prosecutor.

The Administrative Law Judge will give its findings and recommendations in writing to the Respondent and the Board. The Board will conduct an informal hearing where it will act on the findings and recommendations and issue a final order levying any penalty within its jurisdiction or dismissing the case. Under the Florida Rules of Appellate Procedure, the Respondent may appeal any final order of the Board by filing a petition with the Second Judicial Circuit.

Meet the Board Members



Board Chair

Kristen Costa is a Physician Assistant at Southeastern Plastic Surgery in Tallahassee. She is a national trainer for injectables, a faculty member at the Allergan Medical Institute, and Florida State University in the Physician Assistant Program. She worked previously as a Neurosurgery Clinical Coordinator at the Tallahassee Memorial Hospital and the Organ Procurement Coordinator in Gainesville. She has served as the liaison between the American Society of Plastic Surgeons and the American Academy of Physician Assistants, the Secretary for the Florida Academy of Physician Assistants, Treasurer for the Fellowship of Christian Physician Assistants, Youth Leadership Tallahassee Development Steering Committee, and President of Lakeshore Gardens Homeowners Association. She currently 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.



Board Vice- Chair

Patrick Kelly manages prevention programs and conducts investigations into controlled substance prescription fraud and diversion for a Fortune 500 pharmaceutical & healthcare organization. Pat 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 served as a long-time member and Chair of the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission. Kelly has his 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, ABD, from Florida International University. In addition, Pat has years of law enforcement consulting experience and has trained police and corrections professionals in diversity, cross-cultural communications, conflict resolution, leadership, and ethics. He is also a graduate of the Florida Martin Luther King Jr. Institute for Nonviolence and has taught undergraduate and graduate business and criminal justice courses for the University of Phoenix Online for over 20 years.



Carlos 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 an Assistant General Counsel for the Florida Department of State, and as an Assistant Attorney General prosecuting Medicaid fraud. He is a 2004 graduate of the Florida State University Law School and a 2012 graduate of their Applied Economics Masters Program.

Meet the Board Members



Rica Calhoun serves as Chief Compliance and Ethics Officer at Florida A&M University. She is responsible for collaborating with university stakeholders throughout the institution to promote ethical decision-making and compliance with the law, regulation, and policy. Prior to her arrival at FAMU, Ms. Calhoun served as General Counsel, Ethics and Freedom of Information Officer for Western Illinois University (WIU). Ms. Calhoun also served as a member of the enterprise risk management committee, which identified and analyzed risk and compliance across WIU. Ms. Calhoun received her Juris Doctor from the College of William and Mary Marshall-Wythe School of Law in Illinois. She graduated from Florida State University with a Master's Degree in International Affairs and received her Bachelor's Degree in Political Science from the University of Central Florida.



Adam Komisar is an attorney practicing criminal defense and civil litigation with Komisar Spicola, P.A. in Tallahassee. A graduate of Chiles High School, Adam attended the University of Florida, where he received an undergraduate degree in Business Finance and a Law degree. After law school, Adam returned to Tallahassee, where he served as an Assistant State Attorney from 2010-12. He is the current president of the Tallahassee chapter of the Florida Association of Criminal Defense Attorneys and a former Chair of the Florida Bar's local grievance committee.



Bryan Smith is the associate vice president for student affairs and ombudsman for Florida A&M University (FAMU). In February 2013, he became FAMU's special assistant to the president for anti-hazing. Prior to joining FAMU, he served for ten years on the DeKalb County Ethics Board and serving as a mediator throughout the State of Georgia. Smith received his Juris Doctor from John Marshall Law School, Master of Applied Social Science, with a concentration in Public Administration from FAMU, and a bachelor's degree in political science from North Carolina A&T State University.



Caroline Klancke is an attorney, ethicist, author, and lecturer. She serves as Florida State University's Associate Compliance Officer and Director of Ethics and Integrity Programs, where she also teaches Public Service Ethics. Ms. Klancke has served as General Counsel and Deputy Executive Director of the Florida Commission on Ethics where she assisted the agency in its constitutional mandate to interpret and enforce the Florida Code of Ethics for Public Officers and Employees. Prior to her tenure with the Florida Ethics Commission, she served as Chief Ethics Officer and Senior Attorney with the Florida Public Service Commission. In 2022 she founded the Florida Ethics Institute, an independent nonprofit organization dedicated to advancing ethics in government through education. She is the author of the Florida Ethics Handbook: A Public Servant's Guide to the Code of Ethics for Public Officers and Employees—the only comprehensive guide to governmental ethics regulations in Florida. She has lectured extensively for the Florida Commission on Ethics, the Florida Bar, Florida Association of Counties, and others on ethics, open government, and other compliance requirements. In 2015, the Florida Government Bar Association selected her as a finalist for Government Attorney of the Year. In 2023 the Florida Association of County Attorneys honored her with the Ethics in Government award.

The Staff

The Executive Director is appointed by and answers to the Independent Ethics Board and serves as the Ethics Officer. The Executive Director performs the day-to-day functions, including training and ethics investigations, at the direction of the Board. He is assisted by an administrative specialist and supported by a Board attorney.



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John Reid
Board Attorney

Resources

Sworn Complaint Form

<https://www.talgov.com/uploads/public/documents/ethics/eb-complaint-form.pdf>

Campaign Contribution Refund Program

<https://www.talgov.com/Main/ethics>

Ethics Code Municipal Ordinances

https://library.municode.com/fl/tallahassee/codes/code_of_ordinances?nodeId=PTIICOGEOR_CH2AD_ARTIINGE_DIV3ETCO

Mailing Address

Independent Ethics Office
Renaissance Center-3rd FL
435 N. Macomb Street
Tallahassee, Florida 32301

Contact Us



Hotline Number
(850) 891-6550



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Cell Phone
(850) 545-5756



Email Address
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Website
www.talgov.com/Main/ethics.aspx



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