

I N D E P E N D E N T
ETHICS
— BOARD —

Tallahassee Ethics Guide

A guide for Tallahassee residents and City employees

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BOARD



Tallahassee Ethics Guide
A guide for Tallahassee residents and City employees

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Renaissance Center
Third Floor
435 N. Macomb Street
Tallahassee, Florida 32301

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.

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 Commitment to Ethical Behavior

What should we expect from our local government?

A government that:

- Looks out for our individual and collective interest
- Represents and involves citizens in determining local public needs and how these local needs are met
- Makes the best use of resources
- Ensures that everyone has direct or representative access to the systems of government

The City of Tallahassee has more than 3,000 employees. Along with the City officials, they are responsible for the administration of utilities, parks and recreation services, public safety through police and fire, public transportation, streets, sewers, signage, and more. To provide these services in a manner that meets our growing community's needs, the City develops and maintains a multi-million dollar balanced budget.

Tallahassee has seen significant growth with an estimated 2019 population of 193,551, a six percent increase above the population count of 181,376 recorded during the 2010 census. The City expects the growth to keep pace after the report of the 2020 census.

Tallahassee has consistently ranked among the most livable cities in America and is considered one of the ten best cities to raise children. Another benefit is Tallahassee's high quality of life and low cost for municipal services compared to peer cities in Florida. It is up to those in government – and citizens as well – to see that Tallahassee maintains its appeal.

Through a referendum in 2014, an Ethics Ordinance was established, creating the Independent Ethics Board. In December 2019, the City Commission voted to strengthen the ethics ordinance to give the Board greater authority and to uphold the highest ethical standards. It is up to each of us to maintain these standards and take an active role in ensuring that others do as well. To maintain an active role, we must all be aware of the ethics personnel policies and the Ethics Code and how we are to hold each other accountable.

Personnel Policies

The Human Resource and Workforce Development Department is responsible for maintaining and administering the City's personnel policies. Within days of becoming employed and then each year thereafter, every individual must swear to uphold the City's ethical standards. The pledge is made in writing and begins with this statement:

I, _____, being employed by or an officer of _____ and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida. I further solemnly swear or affirm that I have a commitment to the public trust, the highest standards of professionalism and ethics, including a commitment to the constant appearance of propriety, always putting public trust first and never allowing personal benefit to affect my decisions and service as a public servant.

The following ethical standards are included in the City's personnel policies:

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.

Use of City Property and City Funds (s.706.06 H): Employees are prohibited from using City property, City funds and City memberships outside the scope of their City employment. Employees may not use City funds or a City membership to purchase anything for non-City business, personal use, or the benefit of any other party.

Outside Employment (s. 706.06 I): No employee shall accept outside employment or engage in any private business if such outside employment or outside business interferes or conflicts with the performance of the regular City position. Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from outside duties should the employee be called to work by the City. City employees are required to report whether they have non-City employment and whether that employment is with a business or public agency which does business with the City or is subject to the regulation of the City by completing and submitting an Outside Employment Disclosure Form.

Electronic Resources: (s.706.06 K) All electronic resource and information systems are the property of the City. All information received on, transmitted through, or stored on or through any City equipment is the property of the City, and there is to be no expectation of any privacy of information contained therein.

Theft or Other Suspected Criminal Activity (s.706.07 B): Such activity involving unauthorized use of City property, funds, goods, resources or services by a City employee shall be reported to a division director, department director, or the Human Resources and Workforce Development Director.

Public Records, Record Retention & Disposition Policy: (City Commission Policy 140) Florida Statutes, Chapter 119, specifies the right of the public to inspect and copy any record, regardless of physical form, characteristics or means of transmission, that is made or received in connection with the transaction of City business. The City is committed to providing access to these public records as required by law. All City employees are required to preserve and retain public records. Employees are prohibited from transacting City business by private email (e.g., @gmail, @hotmail) or text message over their private device unless the communication is captured and retained on the City server. If transaction of City business inadvertently occurs via private email or text message over a private device, any such message must be retained by the employee until it is transferred to a City- managed system for retention. Employees shall be subject to discipline, up to and including dismissal, for policy violation.

While City-owned electronic devices, including cellphones, and the City's email system may be used for incidental personal activity, due to the time associated with reviewing and providing records in response to public records requests, all texts and emails shall be provided to the public, except for information legally exempt or confidential. Employees who do not wish to have personal content made public should not use the City email system or communication devices for such personal communication.

Anti-Discrimination (Administrative Policy 1201): The City of Tallahassee is committed to maintaining a workplace free of any discrimination, harassment, or retaliation. The City strictly forbids and will not tolerate discrimination or harassment against any employee, vendor, volunteer, independent contractor, or recipient of or participant in City services, based on an individual's race, color, sex or gender, religion, national origin, age, disability, marital status, pregnancy, sexual orientation, gender identity or expression, genetic information (family medical history), or any other characteristic protected by law. Further, the City will not tolerate any form of retaliation directed against an employee or other individual who complains about such discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

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.

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.

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

Misuse of public position: City of Tallahassee employees and officials are prohibited from using an official position or any City resource to secure a special privilege, benefit or exemption for one's self or someone else. A deciding factor is whether the person knew or should have known there would be a special benefit.

Solicitation or acceptance of gifts: Covered individuals may not solicit or accept any gift of any value from a lobbyist, vendor or lessee if the gift is for their personal benefit or the benefit of a relative.

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), including individuals with purchasing approval authority of \$35,000 or more; and
- Procurement employees, defined to include any City employee who has participated in the previous 12 months in a procurement, the cost of which exceeds \$10,000

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).

Disclosure or use of non-public information: A public official or employee of the City shall not disclose or use information that is not available to members of the public and that was gained because of his/her/their official position for personal gain or to benefit others.

The Gift Ban versus Acceptance of Gratuities

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

Many City employees are defined to be "covered individuals" by the City of Tallahassee Ethics Code. The Ethics Code prohibits covered individuals from knowingly, directly or indirectly, accepting or soliciting gifts of any value from current or potential lobbyists, vendors, or lessees of the City.

Like the Ethics Code, City policy prohibits all employees from accepting any gift of any value from City lobbyists. City policy differs on gifts. All other employees, who are not covered individuals, are prohibited from accepting any gift valued at more than \$100 from contractors, vendors, and suppliers doing or seeking to do business with the City of Tallahassee. Examples of gifts include, but are not limited to, conference registration fees, training classes, promotional items (e.g., pens, hats, golf balls), lodging, meals, food (e.g., donuts, sandwiches, fruit baskets, coffee), golf trips, or concerts. City employees should speak to their supervisor if they have questions about the City's rules regarding gifts.

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, when the person or a third party has received a pecuniary benefit as a result of the person's violation, and recommendation by the ethics board to the city to take action against the individual consistent with the city's employee disciplinary policy;
- 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 in the form of educating the public on the importance of ethical leadership
- 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.

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 the 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. However, you 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. To report a violation, you may contact the Ethics Hotline at (850) 891-6550. You are not obligated to share your identity; however, before the Board can take action, a complainant must complete and sign a [sworn complaint form](#). To submit a sworn complaint, you must download and complete the [form](#) and email it to ethics@talgov.com, or mail it to:

Independent Ethics Office
300 South Adams Street, Box A-25
Tallahassee, Florida 32301-1731

When the caller chooses to remain anonymous, a Board member may be able to initiate a complaint. Callers should give as much information as possible about the allegation, including an explanation of the alleged offense, details of when the violation occurred, where it happened, who was involved, and the identification of any witnesses.

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

The Complaint Process

When the Ethics Officer receives a complaint, he must first determine if the allegation is legally sufficient. The ethics officer must ask, if the facts alleged were true, would the act fall within the Board's jurisdiction? To decide legal sufficiency, the Ethics Officer may obtain additional information before making that determination. If the allegation is not legally sufficient, the ethics officer will report his findings to the Ethics Board and the Complainant, and all information relating to the complaint will become a public record.

The Board can also self-initiate a complaint. Any Board member desiring to initiate a Complaint shall request a closed Board meeting to discuss the allegation. If the Board finds that the proposed complaint is legally insufficient, the Ethics Officer will prepare a report dismissing the

complaint. Should the Board find that the complaint is legally sufficient, the Board's chair will sign a self-initiated complaint on behalf of the Board.

Upon a finding of legal sufficiency, the Board will conduct a preliminary investigation. Within twenty (20) days of a finding of legal sufficiency, the Ethics Officer will provide a copy of the complaint to the Respondent by certified mail. After receiving the complaint notice, the Respondent will have fifteen (15) days to reply to the allegation in writing. The Ethics Officer or designee 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 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 their 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 alleged 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.

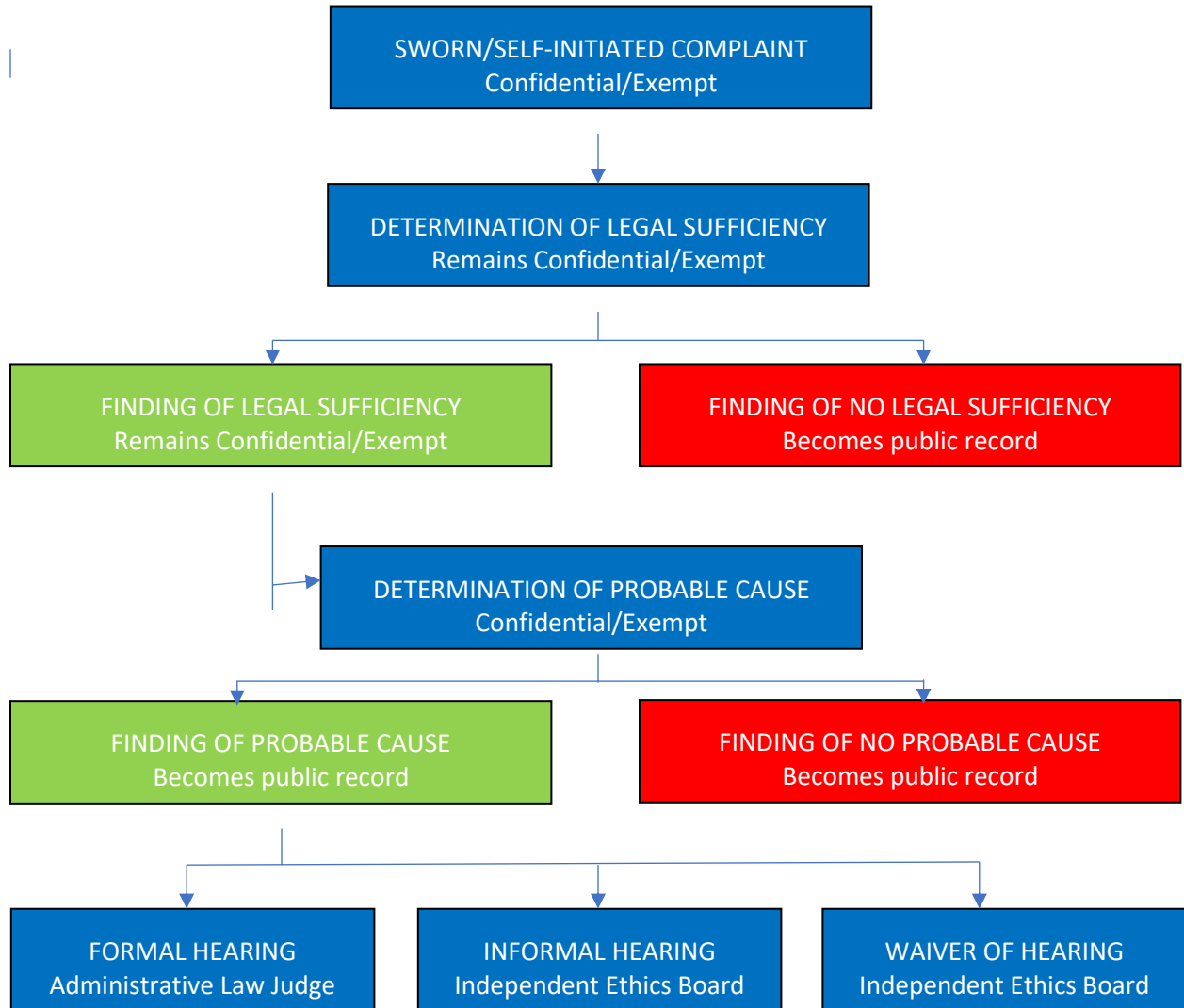
The Administrative Law Judge will give its findings and recommendations in writing to the Respondent and the Board. The Board will conduct an informal hearing where it will act on the findings and recommendations to issue a final order levying any penalty within its jurisdiction or dismissing the case.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

The Office of Inspector General (OIG) Fraud Hotline

The Office of Inspector General (OIG) maintains a confidential Fraud Hotline to report fraud, waste, abuse, misconduct, or mismanagement involving City appointed officials, City employees, contractors, sub-contractors, or other parties doing business with/or receiving City funds. All complaints received are reviewed by the OIG for further determination.

If you are unsure about where to report an incident, you should contact the Ethics Office at (850) 891-6551 or the Office of Inspector General at (850) 891-8397.

THE COMPLAINT PROCESS



About the Independent Ethics Board

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.

Primary Responsibilities

Ethics Hotline – The City Charter establishes the Ethics Office to receive calls that allege a violation of the ethics code. The ethics officer 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 penalty. The Board is the final authority on any assessed penalties, barring Respondent's appeal to the 2nd Judicial Circuit.

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.

Advisory Opinions – At the request of City officials and employees, and citizens, the Ethics Board is authorized to provide written opinions on the application of the ethics code.

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. The Ethics Office processes the applications for campaign contribution refunds.

Meet the Independent Ethics Board

The Board consists of seven volunteers, selected as listed in the captions below. At large members are chosen by the Board. To serve on the Board, you must be a registered voter in Tallahassee and preferably have some knowledge of government ethics. Board members are required to file annual financial disclosure documents with the Supervisor of Elections.



*Chair
At Large*

Carlos Rey is an Assistant General Counsel for the Florida Department of State. As Assistant General Counsel, he serves as the in-house counsel for five divisions within the Department. He serves as the Deputy Ethics Officer for the Department, fielding questions from employees on compliance with Department and state ethics policies. He also serves as the public records custodian, ensuring the Department complies with public records laws and Sunshine Law. Before serving as an Assistant General Counsel, he served as an Assistant Attorney General, prosecuting business entities allegedly engaged in Medicaid Fraud. He is a 2004 graduate of Florida State University law school and a 2012 graduate of their Applied Economics Program.



*Vice Chair
State Attorney's Office
2nd Judicial Circuit*

Gwen Graham is an activist for women's issues, public education, the environment, and ethics in government. Gwen served as the Congressional representative from Florida's 2nd District during the 114th Congress and was a Democratic candidate for Governor of Florida in 2018. She is an attorney and prior to her service in Congress, practiced law in Washington, D.C., and Tallahassee, Florida. In Tallahassee, she focused her practice on supporting public education as the lawyer for the Leon County School District. Gwen has worked on several presidential campaigns, and in 2004 served as Secretary John Kerry's surrogate coordinator in Florida. In addition to the City of Tallahassee Independent Ethics Board, Gwen currently serves on the Board of Unite the Country, Florida State Parks Foundation, Ruth's List, and is a member of the 38th Leadership Florida class. Her proudest accomplishments are her three children, and she is thankful for the opportunity to have been a PTA and band mom while they were young.



*Past Chair
Florida A&M
University*

Bryan Smith is the associate vice present for student affairs and ombudsman for Florida A&M University. In February 2013, he became FAMU's special assistant to the president for anti-hazing. Previously, Smith was the executive director and co-founder of Destined for Success Educational Services, Inc. in Decatur, Georgia, and served for ten years on the Dekalb County Ethics Board. He is a registered certified mediator for the State of Georgia. Smith 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.



City Commission

Ernie Paine retired in 2017 from a career as a network/systems administrator for the Florida Department of Financial Services, Division of Rehabilitation & Liquidation. He was responsible for drafting Security and Acceptable Use standards for the Division's information technology system. He was the custodian for preserving and providing public records when requested by the public or in response to a subpoena. He maintained the confidentiality for data protected by HIPAA or under privileged status. He also assisted forensic accountants and attorneys with the use and interpretation of data, which was produced in conjunction with litigation. Since retirement, Mr. Paine stays involved with the community by working with the League of Women Voters, as well as the City of Tallahassee Independent Ethics Board.



*Public Defenders
Office, 2nd Judicial
Circuit*

Ruby Seymour-Barr is an Attorney having obtained a law degree from Nova Southeastern University in 1982. Currently, she operates a nonprofit law office with a social service referral component. She previously worked for the State of Florida as a senior attorney with several State agencies, including the Department of Business and Professional Regulation. Before relocating to Tallahassee, she 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. Ruby is active in several voluntary Bar organizations and is a mentor to young attorneys.



At Large

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 Masters Degree in Physician Assistant Studies at the University of Florida.

The Staff

The Executive Director/Ethics Officer is appointed by and answers to the Independent Ethics Board. He performs the day-to-day functions, including ethics training and preliminary investigations. He is assisted by an administrative specialist and supported by the Board attorney.

Dwight A. Floyd

Executive Director/Ethics Officer

Lucy Atkins

Administrative Specialist

John Reid

Board Attorney

Resources

Independent Ethics Board Website

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

Sworn Complaint Form

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

Campaign Contribution Refund
Program/Form

<https://www.talgov.com/Main/ethics-ccrp.aspx>

Ethics Code Municipal Ordinances

https://library.municode.com/fl/tallahassee/codes/code_of_ordinances?nodeId=PTIICOGGEOR_CH2AD_ARTIINGE_DIV3ETCO

Contact Us

Ethics Hotline – (850) 891-6550

Ethics Officer – (850) 891-6551

Administrative Specialist – (850) 891-6552

Email – ethics@talgov.com

Mailing Address

Independent Ethics Office

300 S. Adams Street, Box A-25

Tallahassee, Florida 32301-1731