

President's Day CRC Meeting - Feb 17th and Ethics Concerning Lobbyists

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Date: Sunday, February 16, 2020, 11:48 PM EST

To: Orange County Charter Review Commission Members

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Nikki Mims
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Lee Steinhauer
Eugene Stoccardo
Anthony (Tony) Suarez
Dotti Wynn
Phil Diamond - Comptroller

From: Sally Baptiste

Re: President's Day CRC Meeting and "Ethics Concerning Lobbyists"

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I would like to attend the CRC meeting on Monday, Feb 17th, but due to President's Day holiday, it is unlikely I will be able to attend.

That being said, I must share my concerns with the actions this board has taken regarding "Ethics Concerning Lobbyists".

Many residents of Orange County, Florida are frustrated with OUR government - including me. Many of us have lost almost all faith and trust in OUR "representatives". Our elected

representatives frequently ignore the will of the people in support of the mega corporations like Universal-Comcast and Tavistock. These mega corporations have LOBBYISTS who are paid to influence (aka control) public policy. They are granted basically unlimited access to those elected to REPRESENT the people while the people are ignored and dismissed. Simply put it is all about "We the Corporations" NOT "We the People".

At the Feb 5th meeting I shared my adamant opposition to lobbyists being on any public board. My opinion has not changed. In fact, the actions of this board have confirmed my opposition.

I recently learned more about CRC member Lee Steinhauer and his lobbying and involvement with local developers, local government via land use/zoning, legislative, transportation, etc. and he is a member of the "Housing for All" task force.

At the Feb 5th meeting, I recall Mr. Steinhauer making a comment to the affect "are you trying to stop development?" (that may not be an exact quote, but that was his point). I believe this was when the board was discussing water rights and trying to protect the Econ. Mr. Steinhauer seemed very concerned the water rights would limit or control growth in this area and he expressed his opposition. Please correct me if I have misstated/misrepresented anything here.

At the time, Mr. Steinhauer's response/comments concerned me and now I understand why he was so protective of not stopping growth/building. More importantly, this is exactly why I oppose any lobbyists being on public boards. It is very apparent to me Mr. Steinhauer has a conflict of interest and should not be on this public board/commission. Based on his comments, I am very concerned his loyalty to developers, the Apartment Association of Greater Orlando and the Greater Orlando Builders Association along with his work with Orange County government via the Housing for All task force, impacts his ability to be objective in evaluating matters that could affect growth/building in the Orange County area. His involvement and interest in the area of "Government/Legislative, Land Use/Zoning, Transportation, Environmental" appears to be a blatant conflict of interest (my opinion). Let's be honest, how can Mr. Steinhauer be objective/impartial/unbiased when decisions being made by this commission/board may have a negative impact on those he works for and/or is associated with?

Based on the information above, the vote/decision regarding "Ethics Concerning Lobbyists" is in my opinion, bogus at best. My opinion - it is totally inappropriate and unethical for a lobbyist who is very much engaged (possibly lobbying) with local government via land use/zoning, transportation, Housing for All, etc to be on the committee evaluating lobbyists on public boards. Additionally, it is very questionable as to why Mr. Steinhauer was the chair for this committee? The findings from the CRC "Ethics Concerning Lobbyists Committee", are not to be trusted. As I see it, this "process" amounts to the "fox guarding the hen house".

There was no ethics or integrity to this process - my opinion.

The CRC needs to revisit this issue. I feel obligated to investigate this action further as I believe Mr. Steinhauer should not be on this board. At a minimum, Mr. Steinhauer should have recused himself from this topic since he is a lobbyist. I have been unable to locate any existing Orange County "Ethics Advisory Board" that was referenced in the committee recommendation. I did locate the "Office of Ombudsman" web page. At this point, I am not convinced the Ombudsman Office can be effective in addressing ethics and lobbyists. I personally believe the issue of lobbyists, public boards and ethics has not been properly addressed by this CRC and the processed used is suspect.

Please revisit this issue and make the necessary adjustments/corrections to this committee and vote.

I look forward to your response regarding my concerns.

The following information supports my findings:

"The Office of the Ombudsman receives complaints against Orange County departments, divisions, directors, managers and others alleging violations or infractions of Orange County's Charter, Code of Ethics, Administrative Regulations or other set of rules or laws governing the operation of the County government." [Office of the Ombudsman](#)

Office of the Ombudsman

Lee Steinhauer is listed as a Lobbyist on the Orange County website.
[Lobbyists and Principals](#)

[Housing For All - Task Force Members](#)



Housing For All - Task Force Members

Thank you,
Sally Baptiste
Orange County, Florida

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. *Doing Business With One's Agency*

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. *Conflicting Employment or Contractual Relationship*

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. *Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:*

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

Orange County Charter Review Commission
March 4, 2020

Ethics Concerning Lobbyists – Florida Law

GUIDE to the SUNSHINE AMENDMENT and CODE of ETHICS for Public Officers and Employees <http://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf>

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Let's review the lobbyist status and apparent "Conflict of Interest" for CRC Board Member Lee Steinhauer – Refer to email sent to the Orange County CRC dated

Florida Statute Chapter 112 – Public Officers and Employees: General Provisions. Section 112.312

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0112/Sections/0112.312.html

- (1) **"Advisory body"** means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- (2) **"Agency"** means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012.
- (3) **"Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between**

public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

Should Mr. Lee Steinhauer have recused himself from the committee reviewing ethics of lobbyists? Does it not give the appearance of a direct or indirect conflict of interest and the risk of having undue influence on a topic that would have an impact on his personal work as a lobbyist and attorney working with Orange County on various issues affecting growth and development? He is a current member of the "Housing for All". This too appears to be a conflict of interest. Will he and his clients be affected by these decisions? Thus, the conflict of interest.

- (4) **"Business associate"** means any **person** or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such **corporation** are not listed on any national or regional stock exchange, or co-owner of property.
- (5) **"Business entity"** means any corporation, **partnership**, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- (6) **"Candidate"** means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's **oath** as required by s. [99.021](#), and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by [chapter 103](#) and persons seeking any other office or position in a political party.
- (7) **"Commission"** means the Commission on Ethics created by s. [112.320](#) or any successor to which its duties are transferred.
- (8) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.**

*Comment / Opinion; ***Does not this "Legal", definition, FS-112.312, Par. #8, meet the concerns and actions that may have occurred, (and are prohibited), in allowing a Lobbyist to participate, and perform in a degree where the Charter Commission has "crossed-the-line" between Public Duty, and Private Interest?*