

## HOTLINE CASE

2008-5

2008-10

October, 2008

These are cases where anonymous calls were received alleging violations of the Florida nepotism laws, section 112.3135 Florida Statutes—attached.

08-5 This caller alleged 3 relatives working together in Public Works. The Departmental Ethics Officer for Public Works investigated the positions of each of these 3 persons and they do not work in the same area and they do not report to each other. There were no violations of the nepotism law that could be documented in this case.

08-10 This was an anonymous call that the head of Animal Control hired his step-daughter in his division. See the Inspector General report on this matter. This was also not a violation of the nepotism law.

Ethics Officer recommendation: there needs to be an ethics bulletin on nepotism and training in this area so the law is clear and followed in all hiring and promotion decisions. This is being worked on at this time.

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**Ethics Hotline Case #08-10**

**Complaint** – Fred Forbes, Acting Division Chief of Animal Care and Control hired his step-daughter to work in the Division.

According to Ebenezer Gujjarlapudi, Department Director of Environmental and Compliance, Mr. Forbes' stepdaughter (Nichole Staggs) was given part-time summer employment to fill an immediate need to work with the Community Relations Specialist. She was interviewed and hired by Christine Parker, Community Relations Specialist with the concurrence of Mr. Gujjarlapudi. I spoke with Ms. Parker and she assured me that she was not told to hire Ms. Staggs. Ms. Parker was Ms. Stagg's supervisor. Ms. Staggs is no longer at Animal Care and Control and has found full-time employment with the City Council.

1. Their relationships (brother/cousin, etc) James Williams is Bob Williams' brother. Bert Williams is related to neither.
2. Start dates with COJ employment Bert 3/07; James 1/07. Both were hired by Director Joey Duncan.
3. Their current positions; what divisions Bert is Land Management Agent; James is AMIO. Both work in Real Estate Division.
4. that they don't report to each other. Both report to Joe Namey who reports to John Jones who reports to Bob Williams, the city's Real Estate Officer.

Florida Nepotism Law

112.3135 Restriction on employment of relatives.--

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.

(b) "Collegial body" means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(d) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. ....

(b) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.