

# St. Petersburg Times

## OPINION

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### Ethics Commission fulfilled its purpose in the PSC case

As chairman of the Florida Commission on Ethics, I would like to take this opportunity to respond to Howard Troxler's Oct. 20 column about the commission's dismissal of complaints against four members of the Florida Public Service Commission (*In politics, what's unethical today is legal tomorrow*). It does not appear that he understood fully the facts behind the commission's action.

Media accounts of the conduct underlying these complaints suggest that members of the PSC were lavished with gifts at a conference in Miami Beach and, in fact the sworn complaints charged that industries regulated by PSC paid for dance lessons, rounds of golf, deep-sea fishing trips, boat tours, and tennis matches. Investigation revealed, however, that only one of the above activities, a golf tournament, was industry-sponsored; the others were activities that could be purchased through the hotel. Moreover, none of the four commissioners named in the ethics complaints were found to have participated in the industry-sponsored golf tournament.

The evidence presented to our commission clearly established that each PSC member paid the full conference registration fee, which included all meals and breaks, to the Southeastern Association of Regulatory Utilities Commissioners (SEARUC), the association administering the conference. Some regulated industries then sponsored or underwrote particular meals and breaks. The money that was saved by this underwriting of costs then reverted to SEARUC. The benefit commissioners themselves received as a result of this sponsorship was indirect at best and was shared by all conference participants. The Ethics Commission nonetheless, in a divided vote, found probable cause to believe that a violation had occurred, and ordered a public hearing to take testimony and receive evidence so as to be able to determine whether such activities were, in fact, gifts prohibited by law.

In the meantime, the 2005 Legislature adopted a bill amending that section of the law so as to authorize commissioners to attend conferences and associated meals and events generally available to all conference participants without payment of any fees in addition to the conference fee. The PSC commissioners' counsel filed a motion to dismiss based on this new law. At its most recent meeting, members of the Commission on Ethics

heard from both sides and discussed the issue at length, finally voting 7 to 1 to dismiss the complaint on the basis that the public interest would not be served by proceeding further. One commission member pointed out that the four respondents at issue, if found to have violated the law, would have been the only persons ever to be so prosecuted. Some expressed doubts that the meal sponsorships could ever be proved to have been "gifts" as contemplated by the law inasmuch as the commissioners had already paid for them through the registration fee. As a footnote, one of the charged PSC commissioners has left, and another was not reappointed.

These are the facts. I believe that they reflect the work of a group of intelligent, responsible, volunteer ethics commissioners attempting to do their job, not a bunch of "High Priests" rubber-stamping every decision of the Florida Legislature, as Howard Troxler suggests. Troxler is fond of referring to the commission as a "Toothless Tiger" and as the "Ethics Schmethics Commission." Again he has misapprehended the facts. The commission has the power to reprimand, remove from office, and impose fines of up to \$10,000. Merely being brought before the commission on charges often has a dramatic affect on the careers on Florida's public officers and employees.

I am also concerned that Troxler does not understand the purpose behind the commission. It is charged with the duty "to conduct investigations and make public records on all complaints concerning breach of trust . . ." With respect to the PSC, the complaints were investigated extremely thoroughly, and then supplemental investigations were undertaken on order of the commission. All of those investigative reports are a matter of public record. (As an aside, I am curious as to whether Troxler ever took the time to review them?) Two meetings were held to determine the probable cause, and the meeting at which the complaints were discussed was a public one. The citizens of Florida have been fully apprised of what took place, and the purpose of the Commission on Ethics was fulfilled very well.

In summary, I am very proud of the manner in which the Florida Commission on Ethics handled the PSC complaints, and I have heard virtually no criticism from anyone who has taken the time to learn the facts and consider what took place. I have encouraged Howard Troxler to meet with me so that he better understands the purpose and function of the commission, but this offer has not yet been accepted. I make the same offer to any member of the *Times*' editorial board.

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