



**Florida Commission on Ethics**  
 P. O. Drawer 15709, Tallahassee, Florida 32317-5709  
 "A Public Office is a Public Trust"

**ORIGINAL**

**COMPLAINT**

**20-060**

FLORIDA  
 COMMISSION ON ETHICS

APR 20 2020

RECEIVED

**1. PERSON BRINGING COMPLAINT:**

Name: David M. Bear Telephone Number: 850-434-8612  
 Address: 6120 Enterprise Drive  
 City: Pensacola County: Escambia State: Florida Zip Code: 32505

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

Use a separate complaint form for each person you wish to complain against:  
 Name: Douglas Underhill Telephone Number: 850-595-4920  
 Address: 14306 River Road  
 City: Pensacola County: Escambia Zip Code: 32507  
 Title of office or position held or sought: Commissioner, Escambia County Board of County Commissioners

**3. STATEMENT OF FACTS:**

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

**4. OATH**

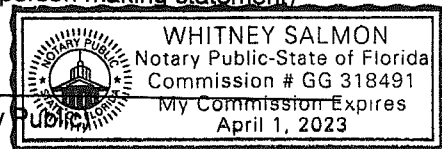
STATE OF Florida  
 COUNTY OF Escambia

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 16<sup>th</sup> day of April, 20 2020, by David M. Bear (name of person making statement)

David M. Bear  
 SIGNATURE OF COMPLAINANT

Whitney Salmon  
 (Signature of Notary Public)  
Whitney Salmon



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification   
 Type of Identification Produced: \_\_\_\_\_

## STATEMENT OF FACTS

### **BACKGROUND**

Commissioner Doug Underhill (“Commissioner Underhill”) was elected to the Escambia Board of County Commissioners (“BOCC”) in November 2014, was subsequently re-elected in November 2018, and has continuously served in that capacity through the date of filing this Complaint. Commissioner Underhill has engaged in a repeated pattern of receiving gifts and failing to report the same, as described below.

#### **Undisclosed GoFundMe Contributions**

On November 26, 2019, Commissioner Underhill created a GoFundMe page entitled Commissioner Doug Underhill Legal Defense Fund (“GoFundMe page”). Ex. “A.” GoFundMe is a website that allows individuals and groups to solicit and receive monetary contributions online. The website allows contributors to make donations in their name or anonymously. Notably, the organizer of the GoFundMe page is able to see the name of the contributor, regardless of whether the contributor selected to donate anonymously. The organizer may elect to show a contributor’s name as “Anonymous” and hide the identity of the contributor.

Prior to the creation of the GoFundMe page, on Friday 22, 2017, the County Attorney for Escambia County sent Commissioner Underhill an email detailing the law governing legal defense funds. Ex. “B.” In the email, the County Attorney implored Commissioner Underhill to comply with all obligations of chapter 112 with respect to gift disclosure and prohibited gifts and stressed the importance of filing a gift report with respect donations to the legal defense fund.

Commissioner Underhill publicized the GoFundMe page on his personal Facebook account, and his Commissioner Doug Underhill Facebook page. Both posts were viewable by any member of the public. Other individuals, including his aide, Jonathan Owens, also shared the GoFundMe page approximately 70 times on Facebook, and 319 times via GoFundMe.

As of the date of filing this Complaint, the GoFundMe page raised \$4,829 from 43 contributors. Ex. “A.” The contributions range from \$5 to \$500. There are over twenty contributions exceeding \$100, including two \$500 contributions from anonymous contributors. Ex. “C.” There are apparently no limitations on who can contribute to the GoFundMe page. As of the date of filing this Complaint, Commissioner Underhill has not filed a statement with the Florida Commission on Ethics (“Commission”) listing gifts received.

#### **Undisclosed Free Legal Services**

As suggested on the GoFundMe page, Commissioner Underhill has been the subject of a series of lawsuits, brought against him both individually and in his official capacity, initiated subsequent to his assumption of his duties as a county commissioner. For example, on April 10, 2015, Former BOCC Commissioner Gene Valentino filed a lawsuit against Commissioner Underhill alleging that Commissioner Underhill had made defamatory statements about Mr. Valentino, prior to Commissioner Underhill’s election. Commissioner Underhill was represented by attorney James Green, with the Clark Partington law firm. While the case was ultimately dismissed on First Amendment grounds, upon information and belief, Commissioner Underhill never paid for legal services rendered in the case. Specifically, upon information and belief, Commissioner Underhill denied, then disputed, the legal fees owed. The Clark Partington firm then informed the Escambia County Attorney that they intended to write off the unpaid legal fees as uncollectible debt, to which the County Attorney replied that doing so would violate the gift law. To date, it is Complainant’s understanding that Commissioner Underhill has never paid for these legal services, nor has he disclosed these legal services as gifts.

Similarly, on July 7, 2017, Mr. Valentino filed a second defamation suit against Commissioner Underhill for statements made prior to his tenure as Commissioner. In that lawsuit, Commissioner Underhill was represented by attorney Brentt Palmer, with the Young, Bill, Boles, Palmer, and Duke, P.A. law firm.

This case has since been dismissed. Upon information and belief, Commissioner Underhill has not paid for these legal services, nor has he disclosed these legal services as gifts.

On June 7, 2019, Commissioner Underhill was sued for defamation by Scott Miller. Ed Fleming of the McDonald Fleming law firm represented Commissioner Underhill in the matter. On November 7, 2019, at a public meeting, Commissioner Underhill asked the BOCC to pay his outstanding legal fees to Mr. Fleming. Mr. Fleming spoke during the meeting and stated that while he had no reason to believe Commissioner Underhill would not pay his fees, he believed that the BOCC should pay for the legal services. Another commissioner responded by offering that the BOCC would reimburse Commissioner Underhill for the fees after it was shown he actually paid for the services. Commissioner Underhill refused to accept the offer. This case is on appeal. Upon information and belief, Commissioner Underhill has not paid for these legal services, nor has he disclosed these legal services as gifts.

A fourth lawsuit was filed against Commissioner Underhill by the Complainant related to alleged First Amendment violations and a public records violation. Mr. Fleming also represents Commissioner Underhill in that matter. This case is pending. Upon information and belief, Commissioner Underhill has not paid for these legal services, nor has he disclosed these legal services as gifts.

#### **Undisclosed Preferential Loan Terms and Forgiveness of Indebtedness**

According to Commissioner Underhill's 2017 Form 6, Commissioner Underhill received a \$10,000 loan from the Bank of Warrington, a local Pensacola bank. That year Commissioner Underhill was running for re-election. This loan was not recorded in the public records and therefore the terms of the loan are not public. The \$10,000 loan is not reflected on Commissioner Underhill's 2018 Form 6, indicating it was either paid off, forgiven, or omitted. Based on a comparison of the assets and liabilities reported in 2017 and 2018, it seems likely that the loan was forgiven or omitted.

#### **Undisclosed Reimbursed Travel Expenses**

In April 2018, Commissioner Underhill and his aide, Jonathan Owens, traveled to Canada to pick up and deliver certain equipment for a private jet ski tournament in Escambia County. A private not-for-profit organization, Pensacola Sports Association, reimbursed Commissioner Underhill for his mileage at \$0.545/mile, and the costs of shipping the equipment back to Canada. In total, Commissioner Underhill received \$1,106.90 in mileage reimbursements, and \$1,039.52 for shipping costs. Ex. "D." As of the date of filing this Complaint, Commissioner Underhill has not disclosed this reimbursement.

Pensacola Sports is a recipient of Tourist Development Tax funds (approximately \$840,000 annually) allocated by the BOCC and the Escambia County Tourist Development Council, of which Commissioner Underhill is a voting member. The salaries and operating costs of Pensacola Sports are paid for, at least in part, by BOCC allocations. Notwithstanding the foregoing, upon information and belief, Commissioner Underhill volunteered to pick up and deliver the equipment, and Commissioner Underhill solicited reimbursement for his expenses.

### **ANALYSIS**

Commissioner Underhill's failure to report (1) the contributions received via the GoFundMe page; (2) the free legal services; (3) preferential loan terms; and (4) the travel reimbursements are a clear violation of section 112.3148(8), Florida Statutes.

Further, by failing to report the contributions received via the GoFundMe page, Commissioner has deprived the public of its ability to assess potential other violations of Chapter 112 with respect to soliciting and accepting gifts. Accordingly, this Complaint seeks a finding from the Commission that Commissioner Underhill violated section 112.3148(8), and an order compelling Commissioner Underhill to fully and accurately complete the required Form 9 gift disclosure forms for each and every quarter in which he received reportable gifts during his tenure as Commissioner. This Complaint also seeks a finding from the Commission that Commissioner Underhill violated section 112.313(7) by entering into a contractual relationship with Pensacola Sports.

#### **I. Florida's Gift Disclosure Law and Prohibition of Conflicting Contractual Relationships**

Section 112.3148(8)(a), Florida Statutes, provides, in relevant part, as follows:

Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less...

§ 112.3148(8)(a), Fla. Stat.

A reporting individual is defined as “any individual who is required by law to file either full or limited disclosure of his financial interest” and includes county commissioners. *See* Rule 34-13-270, F.A.C. The Commission has developed “Form 9” and “Form 10” to be utilized by reporting individuals, such as county commissioners, for quarterly and annual gift disclosure requirements, respectively. Rule 34-7.010, F.A.C. Quarterly reports are due on the last day of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) for gifts received during the previous calendar quarter.

Section 112.313(7)(a), Florida Statutes, provides, in relevant part, that “[n]o public officer or employee of an agency shall have or hold any ... contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee ... .”

## **II. Commissioner Underhill violated s. 112.3148(8) by failing to report contributions to his GoFundMe page.**

With respect to contributions to Commissioner Underhill’s GoFundMe page, the Commission’s April 16, 1998, opinion is instructive. There, the Commission advised that contributions to a legal defense fund are “gifts” pursuant to section 112.3148, Florida Statutes. Accordingly, contributions to the legal defense fund exceeding \$100 must be reported on Form 9. The Commission also opined that a public official seeking donations to a legal defense fund would be prohibited from soliciting contributions from political committees or from lobbyists who lobbied the city, and would also be prohibited from accepting any contribution in excess of \$100 from political committees or from lobbyists who lobbied the individual’s agency pursuant to section 112.3148(4), Florida Statutes.

Here, Commissioner Underhill, by virtue of his position on the BOCC, is a reporting individual. As described, Commissioner Underhill created the GoFundMe page on November 26, 2019, and received over twenty contributions exceeding \$100. All contributions received prior to December 31, 2019, were required to be reported on or before March 31, 2020 via Form 9. As of the date of filing, Commissioner Underhill has not filed Form 9, or otherwise disclosed any of these gifts. Accordingly, Commissioner Underhill has violated section 112.3148(8), Florida Statutes.

The negative impact of Commissioner Underhill’s failure to comply with his reporting obligations is amplified by the use of the GoFundMe page. The very nature of a GoFundMe page that permits anonymous donors to contribute hundreds of dollars to a public official, without any limitation, erodes the public trust. Further, Commissioner Underhill’s failure to disclose the contributions to the GoFundMe page is particularly troubling given the fact that many of the large monetary contributions, including two \$500 donations, were made by anonymous donors. Commissioner Underhill’s failure to file Form 9 has prevented the public from assessing whether Commissioner Underhill has further violated section 112.3148 by soliciting or accepting contributions from political committees or lobbyists who have lobbied the BOCC.

With respect to soliciting contributions, the evidence shows that Commissioner Underhill did not limit who could visit the GoFundMe page, who saw his Facebook posts concerning the GoFundMe page, or who could share the link to the GoFundMe page, which was, in fact, circulated nearly 400 times. There appears to be no attempt to limit solicitation of contributions based on the statutory and regulatory requirements applicable to Commissioner Underhill.

Similarly, with respect to accepting contributions, it is unclear as to whether Commissioner Underhill made a “reasonable inquiry” into “the source of the proposed gift to determine whether it is

prohibited,” as required by Rule 34-13.310, Florida Administrative Code. The fact that there are no limitations on who may donate published anywhere on the GoFundMe page in and of itself demonstrates that no such inquiry was instituted before any contribution was made. Further, Commissioner Underhill’s failure to disclose the GoFundMe contributions via Form 9 has prevented the public from assessing whether Commissioner Underhill has violated sections 112.313(2) and 112.313(4).

As such, in addition to finding that Commissioner Underhill violated section 112.3148(8), the Complainant respectfully requests that the Commission order Commissioner Underhill to fully complete the Form 9 that he was obligated to complete for the fourth quarter of 2019, so that the public may assess whether additional violations of Chapter 112 have occurred.

**III. Commissioner Underhill violated s. 112.3148(8) by failing to report the free legal services he received.**

Similarly, the free legal services Commissioner Underhill received are gifts that he was obligated to report. The Commission has previously opined that pro bono legal services, as well as the waiver of legal fees, are gifts pursuant to section. 112.3148(8). *See* Fla. Comm’n on Ethics, CEO 91-71 (December 6, 1991) (“We find that the provision of the legal services would constitute a gift within the meaning of the above statutory sections as “services provided by persons pursuant to a professional license or certificate.”). Similarly, a loan, or debt forgiveness, also constitutes a gift. The definition of “gift” expressly includes “a preferential rate or terms on a debt or loan” and “forgiveness of an indebtedness,” *see* 112.312(12)(a), Florida Statutes, and the Commission has confirmed as much. Fla. Comm’n on Ethics, CEO 04-11 (June 8, 2004).

With respect to all four lawsuits identified above, Commissioner Underhill received “gifts” in the form of free legal services and failed to report as much. With respect to the April 10, 2015, and July 7, 2017, lawsuits, Commissioner Underhill is not entitled to reimbursement for lawsuits related to alleged conduct committed prior to taking office. Indeed, the Attorney General’s office has confirmed that the BOCC cannot pay for legal fees accrued while serving as a Commissioner, related to acts occurring prior to Commissioner Underhill taking office. Accordingly, the pro bono legal services are plainly “gifts” within the meaning of section 112.3148(8) and must be reported. The ninety-day reporting period has long passed, and Commissioner Underhill has never disclosed these gifts.

With respect to the June 7, 2019, lawsuit, although Commissioner Underhill has requested that the BOCC reimburse he legal fees, this case is distinguishable from those ethics opinions finding that free legal services provided to a public officer acting in his official capacity constituted gifts to the public body. *See* Fla. Comm’n on Ethics, CEO 18-8 (April 25, 2018); Fla. Comm’n on Ethics, CEO 91-71 (December 6, 1991). In those cases, at issue were allegations that directly related to the public official’s performance of his duties, whereas here the only connection to Commissioner’s public duties is potentially the immunity stemming from such. *See also Maloy v. Bd. of Cty. Comm’rs of Leon Cty.*, 946 So. 2d 1260, 1262 (Fla. 1st DCA 2007) (commissioner accused of violating gift rules by soliciting sexual favors was not entitled to fees because allegations did not serve public purpose); *Chavez v. City of Tampa*, 560 So. 2d 1214, 1218 (Fla. 2d DCA 1990) (commissioner not entitled to fees because vote furthered her own pecuniary interest).

Similarly, unlike other cases in which Florida courts have concluded that the public body is required to reimburse a public officer, Commissioner Underhill has not been required to make any upfront payment. *Cf. Thornber v. City of Ft. Walton Beach*, 568 So. 2d 914, 917 (Fla. 1990); *Webb v. Sch. Bd. of Escambia Cty.*, 1 So. 3d 1189, 1190 (Fla. 1st DCA 2009). Upon information and belief, the legal services will be billed *only* if the county agrees to pay for such. If the county does not agree to pay for the legal services, Commissioner Underhill will be excused from payment. At minimum, during the pendency of the lawsuit Commissioner Underhill has enjoyed relief from payment obligations by virtue of his public position. The same is true with respect to the pending lawsuit filed by Complainant.

Accordingly, Commissioner Underhill violated section 112.3148(8), Florida Statutes, by failing to report the pro bono legal services or waived legal fees.

**IV. Commissioner Underhill violated s. 112.3148(8) by failing to report the preferential loan terms and/or loan forgiveness.**

As described, the statutory definition of “gift” expressly includes “a preferential rate or terms on a debt or loan” and “forgiveness of an indebtedness,” 112.312(12)(a), Florida Statutes. The Commission has issued opinions confirming as much. *See Fla. Comm’n on Ethics, CEO 04- 11 (June 8, 2004)*. Here, the \$10,000 loan from the Bank of Warrington was unrecorded and, ultimately, appears to have been forgiven within a year. Given Commissioner Underhill’s repeated failure to disclose gifts, this Complaint respectfully requests that Commissioner Underhill be required to disclose the terms of the loan, including why the loan does not appear on the 2018 Form 6, and, if necessary, submit a Form 9 related to the loan.

**V. Commissioner Underhill violated s. 112.3148(8) by failing to report the reimbursements received by Pensacola Sports Association and/or Commissioner Underhill violated s. 112.303(7) by soliciting a contractual relationship with an entity over which the BOCC does business with and exercises budgetary control.**

Finally, Commissioner Underhill violated section 112.3148(8), Florida Statutes, when he failed to report the reimbursement of his travel fees by Pensacola Sports Association. The Commission has long recognized that reimbursement of travel expenses can constitute gifts. *See Fla. Comm’n on Ethics, CEO 91-57 (October 25, 1991); Fla. Comm’n on Ethics, CEO 13-3 (March 13, 2013)* (“Since the gift law was first enacted in 1990, we have never concluded that a public officer had not received a gift when he traveled at the expense of someone other than his agency.”); *see also* § 112.313(12)(a)(7), Fla. Stat. (defining “gift” to include transportation).

While there is an exception for instances in which the recipient of a reimbursement provides equal or greater consideration than that which is given by the donor, *see Fla. Comm’n on*

*Ethics, CEO 91-45 (July 19, 1991)*, from the facts available to the public, it is impossible to determine whether such exception applies here. Upon information and belief, the arrangement was made at Commissioner Underhill’s solicitation.


Additionally, and in any event, Commissioner Underhill solicited a contractual relationship with an entity over which the BOCC does business with and exercises budgetary control, in violation of section 112.313(7). *See Fla. Comm’n on Ethics, CEO 93-23 (July 15, 1993)* (finding a prohibited conflict of interest exists under Section 112.313(7)(a), Florida Statutes, where a public school district employee works privately for a corporation which is a party to a contract with the district).

Accordingly, this Complaint seeks a finding that Commissioner Underhill violated section 112.3148(8), Florida Statutes, by failing to report the travel reimbursement he received, and in addition, or, in the alternative, that he violated section 112.313(7), Florida Statutes, by soliciting a contractual relationship with a business entity which is subject to the regulation of, and does business with, the BOCC.

# EXHIBIT A

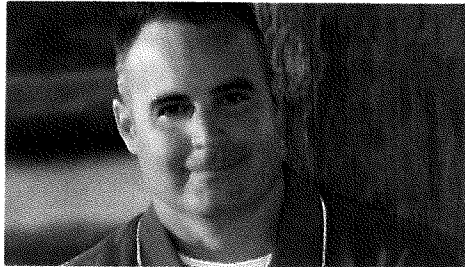
Fundraiser by Douglas Underhill : Commissioner Doug Underhill Legal Defense Fund


4/14/20, 11:14 AM


Search How it works Start a GoFundMe 

Sign in Share Donate

## Commissioner Doug Underhill Legal Defense Fund



 Douglas Underhill is organizing this fundraiser.

Created November 26, 2019  Community & Neighbors

Escambia County Florida has a long history of corruption and graft. I ran for office to reform the county, not to "play ball" with the Good Old Boys. As a result I have been sued twice by the Commissioner I defeated, once by the Bus Drivers' Union, once by the owner of the toxic Rolling Hills Landfill, and now I am being sued by the largest campaign donor in the county, the Bear Family. Every lawsuit has been thrown out by the judge. It is clear to anyone familiar with the law that these people are abusing the legal system because they cannot tolerate a politician they cannot control.

**While the County is required by law to pay these fees, the Commissioners who are bankrolled by the Bear Family refuse to do their duties.**

<https://www.sfn.com/story/news/2019/11/08/doug-underhill-still-bank-legal-bills-label-lawsuit-appeal/2517329001/>

These "serial lawsuits" are a coordinated effort to strangle political dissent and prevent the reforms the citizens clearly want.

**If good men can be sued into poverty for speaking against corrupt men, only the corrupt will be represented in government.**


That is not the America I have fought for, and that is not who we are as a County or as a Country. I promise to never stop speaking truth and


**\$4,829** raised of \$50,000 goal


42 likes 319 shares 44 followers


Donate now


Share

 Margaret Keating  
**\$25** • 1 mos

 Anonymous  
**\$20** • 2 mos

 Anonymous  
**\$500** • 2 mos

 The McLaughlin's  
**\$100** • 2 mos

 Kenneth Owen  
**\$25** • 4 mos

[See all](#)

Fundraiser by Douglas Underhill : Commissioner Doug Underhill Legal Defense Fund


4/14/20, 11:15 AM

reforming the corruption and graft, but I need your help to withstand the attacks. I knew what I was getting into when I stood up, and I can take all the punches they can throw. But the financial burden on the family is growing heavy, and will only grow heavier the more desperate these people become. Your donation, no matter how small, says that we are not alone in this fight, and that feeling is priceless. Thank you.

Donate


Share

Organizer


 Douglas Underhill  
Organizer  
Pensacola, FL

[Contact](#)


Comments

 TomBobbie Vandiver donated **\$100**  
Doug Underhill is an honest, honorable person dedicated to help Escambia County Citizens


4 mos

 Jim Brown donated **\$20**  
Underhill is a stand up guy. Hang in there man.

4 mos

 Hal McCord donated **\$250**  
Doug is an honest man in a swamp of criminal, corrupt, opportunists

4 mos

 Dianne Mistich donated **\$100**  
I donated because Commissioner Underhill needs to know that we are behind him 100%. He has never let D2 down, he has fulfilled all promises he made before being elected. I trust him to always do the right thing

4 mos



Thomas Jardine donated **\$250**

This is my second donation of this campaign. When I first became aware of this fund raiser, I immediately pledged \$50 as a token - I'm conservative with my financial information, and I wanted assurance that this money would indeed go to...

[Read more](#)

4 mos



Jamie Hullenbaugh donated **\$100**

I donate because the BOCC won't take care of their own.

4 mos

[Report fundraiser](#)



**#1 FUNDRAISING PLATFORM**

People have raised more money on GoFundMe than anywhere else.

[Learn more](#)



**GOFUNDME GUARANTEE**

In the rare case that something isn't right, we will refund your donation. [Learn more](#)



**EXPERT ADVICE, 24/7**

Contact us with your questions and we'll answer, day or night. [Learn more](#)



Choose your language

English (US)

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[Emergency](#)

[Memorial](#)

[Education](#)

[Nonprofit](#)

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[Careers](#)

[About](#)

8



# EXHIBIT B

**Alain Espinosa**

---

**From:** Alison A. Rogers <aarogers@co.escambia.fl.us>  
**Sent:** Friday, September 22, 2017 2:26 PM  
**To:** Doug Underhill  
**Cc:** Jonathan L. Owens; Dianne C. Simpson  
**Subject:** FW: CEOs 09-21; 13-3; 98-8 and s 112.3148, Fla. Stat.  
**Attachments:** CEO 09-21.pdf; CEO 13-3.pdf; CEO 98-8.pdf; s. 112.3148, Fla. Stat..pdf

**Importance:** High

Doug,

After review of Commission on Ethics Opinions, we located CEO 98-8, attached, which provides that it is within the bounds of ch. 112 ethical provisions to have a legal defense fund. The case has been cited as recently at 2013 (see CEO 13-3, attached) and it is still considered an active opinion of the Commission. The important thing to note is that it is the elected official's obligation to comply with the gift law requirements of ch. 112. I cannot stress this enough. This means that you may not solicit a gift from any vendor or lobbyist of the County; you may not accept a gift of more than \$100 from a lobbyist or vendor of the County; you must report every gift you receive from a non-lobbyist or non-vendor on your quarterly gift reporting form. IF you accidentally receive a gift from a lobbyist or vendor, such as by check, that exceeds the limit and that check is deposited, that is a de facto acceptance of a prohibited gift under ch. 112. The definitions of vendor and lobbyist are attached, but if in doubt, please check with our office or the Commission on Ethics or the Commission on Ethics Opinions which are found on their website as to whether someone qualifies as a vendor or lobbyist. Gift disclosure forms are required to be filed quarterly for any quarter within which you received a reportable gift.

To doubly ensure that CEO 98-8 was still an active decision of the Commission and to verify that no additional written opinion was needed, we contacted the duty attorney, John Knight, today at the General Counsel's Office at the Commission on Ethics. He confirmed that the case is still good law, but warned that the gift law must be diligently followed. Also, I note that in the event of an extraordinary gift, you may want to confirm that this still falls within the intent of the decision by contacting the Commission.

I note that we are not able to provide advice on how to establish such an account, possible federal tax implications, how this may affect your campaign finances or campaign reporting requirements, and any other overlay with your personal finances.

Also, it should go without saying, but you can never do something or promise to do something as a commissioner in return for any donation to a legal defense fund, regardless of how small the request may seem.

If you are not familiar with the quarterly gift reporting forms, please get with my office or the Commission on Ethics website.

Best,  
Alison P. Rogers  
County Attorney  
Escambia County Board of County Commissioners  
221 Palafox Place, Suite 430  
Pensacola, Florida 32502  
Phone: (850) 595-4970  
Fax: (850) 595-4979

# EXHIBIT C

DONATIONS (44)

See top donations



Donate now

- Margaret Keating  
**\$25** 1 mo
- Anonymous  
**\$30** 2 mos
- Anonymous  
**\$500** 3 mos
- The McLaughlin's  
**\$100** 3 mos

Join this list. [Donate now.](#)

- Kenneth Owen  
**\$25** 4 mos
- Anonymous  
**\$100** 4 mos
- TomBobbie Vandiver  
**\$100** 4 mos
- Janice Vinyard  
**\$19** 4 mos
- Jim Brown  
**\$20** 4 mos

DONATIONS (44)

See top donations



Donate now

- Janis Mills  
**\$75** 4 mos
- Anonymous  
**\$5** 4 mos
- Hal McCord  
**\$250** 4 mos
- Dianne Mistich  
**\$100** 4 mos
- Thomas Jardine  
**\$250** 4 mos
- Mark Rosser  
**\$100** 4 mos
- Gary Hopkins  
**\$50** 4 mos
- James Covan  
**\$200** 4 mos
- Anonymous  
**\$250** 4 mos

DONATIONS (44)

See top donations



Donate now

- Anonymous  
**\$20** 4 mos
- The McC's  
**\$100** 4 mos
- Erin McConkey  
**\$100** 4 mos
- Richard Loza  
**\$50** 4 mos
- John Marsh  
**\$250** 4 mos
- Eric Jiorle  
**\$100** 4 mos
- Tom Jardine  
**\$50** 4 mos
- Jennifer McKernan  
**\$50** 4 mos
- Jamie Hullenbaugh  
**\$100** 4 mos

DONATIONS (44)

See top donations



Donate now


- Anonymous  
**\$5** 4 mos
  - Anonymous  
**\$100** 4 mos
  - Anonymous  
**\$200** 4 mos
  - Steve Wilmer  
**\$150** 4 mos
  - Anonymous  
**\$5** 4 mos
- Join this list. [Donate now.](#)
- Anonymous  
**\$5** 4 mos
  - Anonymous  
**\$100** 4 mos
  - Deamon Scapin  
**\$25** 4 mos
  - Constantine Alexakos  
**\$20** 4 mos


DONATIONS (44)


↕ See top donations





**Donate now**


 Anonymous  
**\$5** 4 mos


 Jonathan Dent  
**\$175** 4 mos


 Jenn Faraj  
**\$50** 4 mos

 Kyle McGhie  
**\$100** 4 mos

 Claude Gillette  
**\$20** 4 mos

 Brent Smith  
**\$100** 4 mos

 Anonymous  
**\$250** 4 mos

 Anonymous  
**\$500** 4 mos

You've reached the end of the list

Close

# EXHIBIT D

**Pensacola Sports**  
 Operating Account  
 P.O. Box 12483  
 Pensacola, FL 32581

Synovus  
 83-814632  
 64-60811

13660  
 8/9/2018

PAY TO THE ORDER OF DOUG UNDERHILL \$ 1,108.90

One Thousand One Hundred Six and 90/100\*\*\*\*\* DOLLARS

DOUG UNDERHILL

MEMO  
 MILEGAE REIMBURSEMENT

Pensacola Sports		13660	
DOUG UNDERHILL			
Date	Type	Reference	
8/9/2018	Bill	04/09/2018	
Original Amt.	Balance Due	8/9/2018 Discount	Payment
1,108.90	1,108.90		1,108.90
	Check Amount		1,108.90

*own*  
*PD*  
*11/18/16*  
*6174*

SYNOVUS BANK - O MILEGAE REIMBURSEMENT

**PENSACOLA SPORTS**  
 SPORTS MARKETING ACCOUNT  
 P.O. Box 12483  
 Pensacola, Florida 32581  
 850-434-2660

SERVFIRST BANK  
 DOTHAM, AL 36021  
 81436462

6288  
 8/21/2018

PAY TO THE ORDER OF DOUG UNDERHILL \$ 1,039.82

One Thousand Thirty Nine and 42/100\*\*\*\*\* DOLLARS

DOUG UNDERHILL

MEMO  
 COST OF SHIPPING EQUIP BACK TO CANADA

13660

8/9/2018

1,108.90

1,108.90

12

1