



Florida Commission on Ethics
 P. O. Drawer 15709, Tallahassee, Florida 32317-5709
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~~ORIGINAL INTEROFFICE~~ ^{bl}

FLORIDA
 COMMISSION ON ETHICS

JUN 24 2020

RECEIVED

COMPLAINT 20-103

1. PERSON BRINGING COMPLAINT:

Name: JOHN F STENICKA Telephone Number: 970 531-3163
 Address: 18 Port Royal Way
 City: PENSACOLA County: Escambia. State: FL Zip Code: 32507

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: 221 Palafox Place
 City: Pensacola County: Escambia Zip Code: _____
 Title of office or position held or sought: District 2 County Commissioner

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

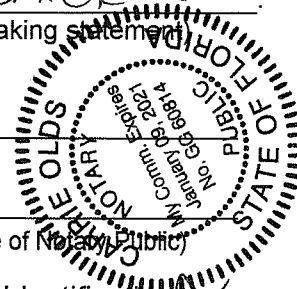
STATE OF Florida
 COUNTY OF Escambia

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 17th day of June, 20 20, by John F Stenicka
 (name of person making statement)

John F Stenicka
 SIGNATURE OF COMPLAINANT

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



Personally Known _____ OR Produced Identification
 Type of Identification Produced: FLDL

PURPOSE: With the filing of this complaint, it is my hope that the Florida Ethics Commission will investigate the illegal release of private and confidential shade meeting records of the Escambia County BOCC, and if a violation has occurred, that the Commissioner be appropriately prosecuted or admonished by the State of Florida.

BACKGROUND: Commissioner Underhill had in his possession copies of shade meeting minutes and despite a clearly identified note detailing the minutes were private and confidential meetings, deliberately caused the minutes to be posted on the internet on May 11, 2020. A period of time later the same day, Commissioner Underhill then repealed the documents from the internet. *See Pensacola News Journal front page article dated May 31, 2020 for published details.*

At a subsequent Board of County Commissioner (public) Meeting on June 4, 2020, Commissioner Underhill moved to retroactively make same shade meetings **public** to get himself “*off the hook*” for the violation. His motion was not seconded by any of the other County commissioners (there are 5 in Escambia County) *and his violation stands*. At this same meeting, County Attorney Allison Rogers responded to a commissioner question about the breach with a direct response confirming that, in her opinion, “Commissioner Underhill had committed an ethics violation”.

I am escalating this issue to the State Ethics Commission for investigation since Escambia County has chosen not to take action and claim that only the *Ethics Commission* or *State Attorney General* has the authority to investigate and remedy the violation of a County Commissioner.

WHEN: May 11, 2020

WHO: Commissioner Douglas Underhill, District 2, Escambia County, Florida

WHAT: Complaint regarding the illegal release of shade meeting minutes deliberately released by Commissioner Douglas Underhill. The subject of the shade meetings were about a total upgrade of an existing, *formally privately owned*, water and sewer system located on Innerarity Island within Escambia County. Commissioner Underhill led in the creation of a MSBU to *fully fund the upgrade the system at a cost to the residents of a minimum estimated \$4.5 million and then to transfer/gifting the new system to ECUA a local utility company*. By circumventing the normal public discussion and vote process whereby the County Commissioners would normally vote to add, or not add, ECUA as a co-receiver (saving ECUA millions in operating and construction costs), this secret decision to put all the cost burden on the citizens via a MSBU was made by the County. *This major threshold decision to save ECUA money and responsibility for operation of the sewer system was handled behind closed doors, in shade meetings and not publicly discussed or voted on by the full Commission as expected under FL Sunshine Law.*

*In a meeting of the Escambia County Commission on May 7, 2020, County Commissioners Berry, Bergosh, and May all commented that **they had not voted on keeping ECUA out of the sewer system transfer process and openly wondered why the County decided to take on the project alone (when the County has no expertise or operational capability in running a sewer system, i.e. it is the responsibility of ECUA)! (the entire excahnge is recorded on BOCC camera)***

HOW: In May 2020, copies a copy of shade meetings was asked for by the Commissioners. County Attorney Allison Rogers sent confidential copies of the minutes to the Commissioners and on May 11, 2020, Commissioner Underhill uploaded and, in violation of orders from the County Attorney to hold the information as confidential not for public release, on his own volition, published Escambia County Shade meeting minutes over the internet on Facebook.