

050816 citizen complaint
2/18/2010
Jeff McAdams

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: Jeff McAdams, President Telephone Number: (352) 505-7821

Address: Gator Lodge 67, Fraternal Order of Police, 3301 North Main Terrace

City: Gainesville County: Alachua Zip Code: 32609

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: Jack Donovan Telephone Number: (352) 376-2838

Address: 1011 NW 39th Street

City: Gainesville County: Alachua Zip Code: 32605

Title of office or position held or sought: Gainesville City Commissioner

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

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



SIGNATURE OF COMPLAINANT

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to (or affirmed) and subscribed before me
this 18th day of February,

20 10, by Jeffery B. McAdams

(name of person making statement)


(Signature of Notary Public - State of Florida)

NOTARY PUBLIC-STATE OF FLORIDA
Michael I. Finesilver

(Print, Type or Stamp Commission # 000798684 Name of Notary Public)

Expires: JUNE 18, 2012

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced: _____

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709
COMPLAINT AGAINST
Gainesville City Commissioner Jack Donovan
February 18th, 2010

STATEMENT OF FACTS:

Gainesville City Commissioner Jack Donovan is an elected public officer as defined under Florida law. Commissioner Donovan is serving his 2nd, 3 year term as a Gainesville City Commissioner for Gainesville District III. His current term as a Gainesville City Commissioner runs from May, 2008 until May, 2011.

On or about December 28th, 2009, while acting in his official capacity as a public officer, Commissioner Donovan directed a City of Gainesville employee, Ms. Neomia Brown, to author and sign a letter on his behalf (Exhibit One). The letter was written on official City of Gainesville stationery, addressed to ***"The Honorable Judge James P. Nilon."***

Commissioner Donovan had the letter forwarded to Judge Nilon in an effort to influence the pending criminal sentencing of a convicted felon. In the last paragraph of the letter to Judge Nilon, Commissioner Donovan's letter states; ***"I urge you as the judge to recognize in your sentencing the questions of civil rights and police practices that still remain alive in this matter as well as Mr. Grapski's high motives. I hope that Mr. Grapski's sentence will be no more than probation requiring his obedience to the law, especially those governing interaction with legal authority."***

RELEVANT FLORIDA STATUTE:

112.313(6):

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

COMPLAINANT'S STATEMENT:

Issue One: It is my belief that Commissioner Donovan violated Florida ethics law when he directed a City of Gainesville employee to author a letter on City of Gainesville letterhead for the sole purpose of influencing a judge's sentencing decision. Assuming that the employee was on duty at the time she authored the letter for Commissioner Donovan, she was being compensated with taxpayers' funds to conduct personal business on behalf of Commissioner Donovan.

Issue Two: It is my belief that Commissioner Donovan directed that the letter be written on City of Gainesville Official letterhead in an overt attempt to have a greater influence on the judge than had the letter come from Jack Donovan, citizen of Gainesville. Commissioner Donovan's letter, written on City of Gainesville letterhead clearly gives the impression that he is advocating the official position of the City of Gainesville.

Issue 3: It is my belief that when Commissioner Donovan directed that the letter be written on his behalf to influence Judge Nilon's decision, he violated Florida ethics law. It is clear Commissioner Donovan used his official position as a public officer, as defined by Florida law, to influence the judge to reduce the sentence of a convicted felon.

End of Statement



CITY OF GAINESVILLE

Office of the City Commissioner

December 28, 2009

The Honorable Judge James P. Nilon
Criminal Justice Center
220 South Main Street, Room A307
Gainesville, FL 32601

Dear Judge Nilon:

Thank you for your service to our community. Christmas blessings and a joyful new year to you and your family.

I would like to address the sentencing of a Mr. Charles Grapski, which I understand is to occur tomorrow morning.

I have followed Mr. Grapski's career as an outspoken activist for civil and human rights. I confess I have not always appreciated his self-righteousness in the midst of the fray. But I have always admired his persistence in the defense of our fundamental freedoms.

I have also followed the events surrounding his objections to some of the ways in which the police force of the City of Alachua has conducted itself in recent times. It has seemed to me that his objections had merit and his persistence in having them investigated was warranted. I felt considerable suspicion when he was charged with a number of crimes in relation to that police force and its chief.

I understand that he has been convicted of one of the charges and will be sentenced tomorrow, with a possibility of three years in prison. I would urge you as the judge to recognize in your sentencing the questions of civil rights and police practices that still remain alive in this matter, as well as Mr. Grapski's high motives. I hope that Mr. Grapski's sentence will be no more than probation requiring his obedience to the law, especially those governing interaction with legal authorities.

Thank you for your attention. Warm regards,

Neomie Brown
Jack Donovan
Gainesville City Commissioner

Cc: State Attorney Mr. William Cervone
Assistant State Attorney Jeff Fleck

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