

STRAYHORN & STRAYHORN, P.L.
ATTORNEYS AND COUNSELLORS AT LAW
A Professional Limited Liability Company
2125 First Street, Suite 200 • Fort Myers, Florida 33901

Guy M. Strayhorn (1889-1981)
Norwood R. Strayhorn (1911-1982)
Guy R. Strayhorn
Richard W. Pringle, P.A.
Caleb W. Pringle

Reply to:
Richard W. Pringle

Telephone: 239/332-4717
Facsimile: 239/332-4718

E-Mail:
Richard@StrayhornAndStrayhornLaw.com
Caleb@StrayhornAndStrayhornLaw.com

January 9, 2019

Via facsimile transmittal (850) 488-3077

The Florida Commission on Ethics
Attn: Virilindia Doss, Executive Director
P. O. Drawer 15709
Tallahassee, FL 32317-5709

Re: Lehigh Acres Fire Control and Rescue District
Voting Conflict of Local Public Officer

Dear Ms. Doss:

I am the general legal counsel for Lehigh Acres Fire Control and Rescue District ("District"). I have been asked by the District, through its Board of Commissioners, to request an informal non-binding opinion from the Ethics Commission on a question that has arisen at the District as to whether there is a voting conflict under Section 112.3143, Florida Statutes, for local public officers ("Elected Officials") when they vote in an official capacity upon the approval of a Collective Bargaining Agreement ("CBA") for employees in the "rank and file" job positions at the District under the following facts.

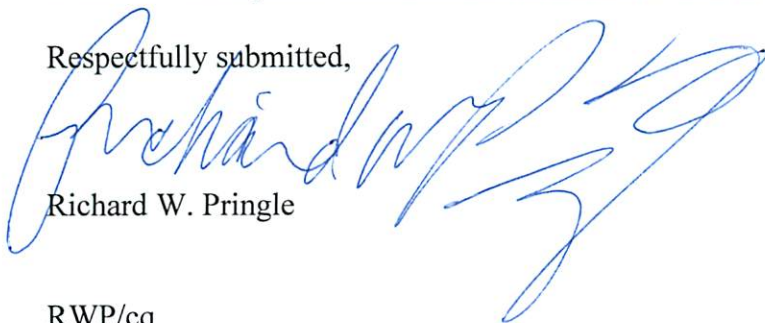
The Public Employees Relations Commission ("PERC") has previously recognized and approved a Collective Bargaining Unit for all of the District's employees in the rank and file employment job descriptions of the District. The subject Collective Bargaining Unit is represented by Local 1826 of the International Association of Fire Fighters ("IAFF"). There are approximately 105 employee positions covered by the Collective Bargaining Unit. Currently, there are approximately 95 employees in the Collective Bargaining Unit and there are approximately 10 unfilled employee positions in the Collective Bargaining Unit. All of the employment interests of all of the employees in the employment positions that are a part of the Collective Bargaining Unit are covered by the CBA and are equally affected by the District's approval of the CBA for the subject Collective Bargaining Unit. As a result, none of the employees in the Collective Bargaining Unit will receive special treatment in the form of a greater benefit or harm when compared to other members of the same job position in the Collective Bargaining Unit when the CBA is approved by the Board of Commissioners (local public officers) of the District.

The current CBA for the subject Collective Bargaining Unit has reached the end of its term and the District is currently negotiating the terms and conditions of a new CBA for all of the employees who are a part of the employment positions that are included in the Collective Bargaining Unit. Ultimately, it will be up to the District's Board of Commissioners (local public officers) to approve or not approve a new CBA for the subject Collective Bargaining Unit.

Currently, the District has two (2) local public officers (Commissioners) who have relatives who are employees of the District whose employment positions are a part of the subject Collective Bargaining Unit. The first Commissioner who has a relative that is a member of the subject Collective Bargaining Unit is Commissioner Cathy Kruse. Commissioner Kruse has a son who is a fire fighter and a member of the subject Collective Bargaining Unit. Commissioner Kruse's son is not a member of Commissioner Kruse's household. The second Commissioner who has a relative that is a member of the subject Collective Bargaining Unit is Commissioner Lucia Sherman. Commissioner Sherman's husband is a fire fighter and a member of the subject Collective Bargaining Unit. Commissioner Sherman and her husband are members of the same household.

The question the District and the two local public officers (Commissioners) referenced above have for the Ethics Commission is whether either of the two local public officials of the District, Commissioner Kruse or Commissioner Sherman, have a voting conflict under Section 112.3143, Florida Statutes, related to the District Board of Commissioners' approval of the CBA for the subject Collective Bargaining Unit which includes the job positions within which Commissioner Kruse's son and Commissioner Sherman's husband are employed by the District? As indicated earlier, CBA negotiations are currently ongoing between the District and the Collective Bargaining Unit and the District's Board of Commissioners may be called upon at any time to vote upon the approval of the subject CBA for the Collective Bargaining Unit; therefore, a non-binding opinion from the Ethics Commission as soon as possible as to whether a voting conflict is present for either of the two local public officers referenced above will be greatly appreciated.

Respectfully submitted,



Richard W. Pringle

RWP/cq