

American Democracy Legal Fund

455 Massachusetts Avenue, NW

Washington, DC 20001

October 24, 2018

Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Re: Ethics Complaint against Governor Rick Scott

STATEMENT OF FACTS

Governor Rick Scott is currently running to represent Florida in the U.S. Senate.¹ This week, Governor Scott used the influence of his office and official state emergency response resources to benefit his U.S. Senate campaign in violation of Florida ethics law. In particular, Governor Scott is airing a television advertisement that includes video footage and images of Governor Scott visiting areas of Florida that were recently devastated by Hurricane Michael,² footage and images that were recorded, edited, and disseminated by the Governor's Office using state government resources.³

Florida law prohibits each state officer, including the Governor, from "corruptly us[ing] or attempt[ing] 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,

¹ Rick Scott, FEC Form 3, Statement of Candidacy (Apr. 12, 2018), <http://docquery.fec.gov/pdf/513/201804120200184513/201804120200184513.pdf>.

² Rick Scott for Florida, *Leading* (Oct. 16, 2018), https://www.youtube.com/watch?v=cs5SFMBsI7w&feature=youtu.be&utm_source=lterable&utm_medium=email&utm_campaign=Press_Outreach.

³ See Steve Contorno, *Rick Scott is already using Hurricane Michael in a political ad*, Tampa Bay Times (Oct. 16, 2018), <https://www.tampabay.com/florida-politics/buzz/2018/10/16/rick-scott-is-already-using-hurricane-michael-in-a-political-ad/>; Gary Fineout (@findout), TWITTER (Oct. 16, 2018, 1:18 PM), <https://twitter.com/fineout/status/1052292612399517697>.

or exemption for himself, herself, or others.”⁴ Governor Scott has indicated his desire to hold himself and other state officers and employees to the highest ethical standards, specifying in his executive order regarding the implementation of a code of ethics for the Office of the Governor that “employees should avoid any conduct . . . that might undermine the public trust”⁵ and should not “participate in an official capacity in any matter that would inure to his or her special private gain or loss.”⁶ However, Governor Scott has used his official position, as well as state resources that should be exclusively used to support disaster response activities, for the benefit of his campaign for federal office.

Governor Scott’s U.S. Senate campaign has informed reporter Gary Fineout that it “took images/video for new ad going after Nelson from information distributed to various media outlets and public by [Governor Scott’s] press office.”⁷ Therefore, it appears that Governor Scott has taken state government property—video footage and images of Governor Scott responding to Hurricane Michael in early October obtained during the course of the State’s disaster response—and has used it in a campaign ad without paying the state for that footage or those images. Given the high cost of transporting personnel to a disaster area on short notice, the value of the state resources used to benefit Mr. Scott’s political campaign is substantial.

Such use of public funds for private benefit undermines the public’s trust in our Government and our Governor, particularly given the need for state emergency response resources to be targeted exclusively to public purposes. Governor Scott has told us that he “has accepted as his duty the responsibility of setting the highest ethical standards for State

⁴ Fl. Stat. § 112.313(6).

⁵ Executive Office of the Governor, Code of Ethics at 4 (Jan. 4, 2011), https://www.flgov.com/wp-content/uploads/2011/01/SKMBT_C35311010412530.pdf.

⁶ *Id.* at 16.

⁷ Gary Fineout (@findout), Twitter (Oct. 16, 2018, 1:18 PM), <https://twitter.com/fineout/status/1052292612399517697>.

government.”⁸ However, his campaign’s behavior indicates that he has not kept his promise to maintain the trust we have placed in him by electing him as our Governor. Instead, he has used the resources of his office as a stepping stone to what he hopes to be his next job. We therefore respectfully request that you investigate this matter to determine whether Governor Scott violated Florida law by using taxpayer-funded emergency response resources to benefit his campaign.

⁸ Executive Office of the Governor, Code of Ethics at 4.



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"A Public Office is a Public Trust"

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: BRAD WOODHOUSE Telephone Number: 202-251-5669
 Address: 455 MASSACHUSETTS, AVE, NW
 City: WASHINGTON County: _____ State: DC Zip Code: 20001

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: RICK SCOTT, Governor Telephone Number: 850-488-7146
 Address: P.O. Box 3791
 City: Tallahassee County: Leon Zip Code: 32315
 Title of office or position held or sought: Governor

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 DISTRICT OF COLUMBIA
 COUNTY OF DISTRICT OF COLUMBIA

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 this
24th day of OCTOBER,
 20 18, by BRAD WOODHOUSE
 (name of person making statement)

Brad Woodhouse
 SIGNATURE OF COMPLAINANT

GREGORY SENSING
 (Signature of Notary Public)

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