



State of Florida  
Department of Environmental Protection

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

**OFFICIAL WRITTEN REPRIMAND**

JONATHAN P. STEVERSON  
SECRETARY

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Date: March 4, 2015

TO: Barton Bibler, Land Management Plan Coordinator  
Division of State Lands

FROM: Marianne Gengenbach, Chief, Office of Environmental Services  
Through Kelley Boree, Director, Division of State Lands

SUBJECT: Official Written Reprimand

**Standards of Conduct Violated: DEP Directive 435, Conduct of Employees, specifically:**

a. Poor Performance which states in part:

Employees shall strive to perform at the highest level of efficiency and effectiveness, for example:

- (b) Employees are expected to be effective, for example: to organize their work; to stay focused on job-related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures and technology; and to be committed to improving individual performance.

d. Insubordination which states:

Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.

f. Conduct Unbecoming a Public Employee

- (2) Employees shall maintain high standards of honesty, integrity and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use or attempt to use their official position for personal gain or confidential information for personal advantage

**Dates and Circumstances of Violations:**

On March 2, 2015, you were asked by me to attend the Coastal Managers Forum. During the meeting you engaged in personal political advocacy related to the Keystone XL Pipeline. After

the meeting, I asked you to provide a summary of the meeting. You first provided a takeaway summary of the meeting, but had provided that summary in a document that used the agenda header from Ann Lazar, the meeting moderator, which gave the appearance that this was Ann's official meeting agenda that included climate change. This was not part of the original agenda developed by Ann, and resulted in a complaint of misrepresentation. I then indicated that this was not appropriate and asked you to revise your summary of the meeting. You then emailed what you said was an attached agenda of your notes of agency reports on climate change. The attachment was of the words Keystone XL Pipeline with a red circle and a cross through it. After you sent this email, Marianne indicated that this type of response is not appropriate and asked you to again provide your summary of the meeting.

Your actions were disrespectful, unprofessional and represent insubordination. Further occurrences of a personal agenda or unwillingness to perform duties assigned will not be tolerated.

You are to comply with directives as assigned. Your job performance is essential to the function of our Division and, with the exception of this very serious infraction, has been exceptionally good. This makes you a valued employee in many respects, but your inappropriate behavior must be permanently changed in order to re-establish a relationship of trust between you and your supervisors.

**Corrective Action Expected:**

You are not to insert any personal agenda or political advocacy into the work you perform. You are to complete assignments that are provided to you in a timely manner. Additionally, you are not to use work computers for inappropriate means.

While in the workplace and/or representing the agency, all interactions and communications with everyone are to be professional, courteous and cooperative at all times. When performing work assignments and discussing issues with coworkers or supervisors, you must remain unbiased and impartial, and focused on the issues at hand.

These corrective actions are effective immediately.

**THIS IS AN OFFICIAL WRITTEN REPRIMAND. FUTURE VIOLATIONS MAY RESULT IN FURTHER OR MORE SEVERE DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL.**



Employee Signature



Date

cc: Drew Meehan, Human Resource Officer  
Bureau of Human Resource Management  
Thomas Klein, Senior Attorney  
Office of General Counsel

## **DEP Employee Handbook:**

### **Political Activities**

Our employees are encouraged to register and vote their preference at election time. This is an exercise of constitutional rights and a responsibility of citizenship. However, any other political activities on your part may be limited while you are employed with the Department. The Federal Hatch Act and Florida law both provide for such restrictions.

You may express political opinions by wearing badges or buttons, displaying posters or bumper stickers in or on your privately-owned vehicle(s), and other means stipulated by the Department of Management Services. When authorized by the Secretary and approved by the Department of Management Services, you may be a candidate for certain elected public offices involving no conflicting or interfering interest with state government. If your position is subject to the Federal Hatch Act as determined by the Department, you may not become a candidate in a partisan election.

Approval to be a candidate for local office shall be requested in writing through normal supervisory channels to the Secretary, no later than 45 days prior to the deadline of qualifying for the office. Each request must show the title and summary of the duties for local public office to be sought, the hours of work involved in campaigning for or holding office, what effect, if any, the campaign or office duties may have on your regular duties with the Department, and the amount of remuneration, if any, which will be received if elected.

If you qualify for the campaign or hold public office without obtaining prior approval as required, you will be ineligible for continued state employment and shall be deemed to have resigned your job.

We recommend that you seek guidance from the Bureau of Personnel Services if you decide to run for public office or participate actively in any political campaign. Failure to comply with rules governing this issue could cause you to forfeit your employment without appeal rights.

For more information, consult **DEP Directive 490** and Section 110.233, F.S.

#### **110.233 Political activities and unlawful acts prohibited.—**

(1) No person shall be appointed to, demoted, or dismissed from any position in the career service, or in any way favored or discriminated against with respect to employment in the career service, because of race, color, national origin, sex, handicap, religious creed, or political opinion or affiliation.

(2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the career service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration; however, letters of inquiry, recommendations, and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat, intimidation, or irrelevant, derogatory,

or false information. For the purposes of this section, the term “political pressure,” in addition to any appropriate meaning which may be ascribed thereto by lawful authority, includes the use of official authority or influence in any manner prohibited by this chapter.

(3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the career service. The provisions of this subsection do not apply to a private employment agency licensed pursuant to the provisions of <sup>1</sup>chapter 449 when the services of such private employment agency are requested by a state agency, board, department, or commission and neither the state nor any political subdivision pays the private employment agency for such services.

(4) As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and laws of the state and the Constitution and laws of the United States.

However, no employee in the career service shall:

(a) Hold, or be a candidate for, public office while in the employment of the state or take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state. However, when authorized by his or her agency head and approved by the department as involving no interest which conflicts or activity which interferes with his or her state employment, an employee in the career service may be a candidate for or hold local public office. The department shall prepare and make available to all affected personnel who make such request a definite set of rules and procedures consistent with the provisions herein.

(b) Use the authority of his or her position to secure support for, or oppose, any candidate, party, or issue in a partisan election or affect the results thereof.

(5) No state employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate, or party.

(6) The department shall adopt by rule procedures for Career Service System employees that require disclosure to the agency head of any application for or offer of employment, gift, contractual relationship, or financial interest with any individual, partnership, association, corporation, utility, or other organization, whether public or private, doing business with or subject to regulation by the agency.

History.—s. 21, ch. 79-190; s. 2, ch. 80-207; s. 1, ch. 84-125; s. 5, ch. 89-277; s. 1, ch. 91-164; s. 21, ch. 91-431; s. 34, ch. 92-279; s. 55, ch. 92-326; s. 668, ch. 95-147; s. 23, ch. 2001-43.

<sup>1</sup>Note.—The provisions comprising chapter 449 were repealed by ch. 81-170.

### **11.062 Use of state funds for lobbying prohibited; penalty.—**

(1) No funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes, which shall include the cost for publication and distribution of each publication used in lobbying; other printing; media; advertising, including production costs; postage; entertainment; and telephone and telegraph. Any state employee of any executive, judicial, or quasi-judicial department who violates the provisions of this section shall have deducted from her or his salary the amount of state moneys spent in violation of this section.

(2)(a) A department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the

legislative or executive branch. However, full-time employees of a department of the executive branch, a state university, a community college, or a water management district may register as lobbyists and represent that employer before the legislative or executive branch. Except as a full-time employee, a person may not accept any public funds from a department of the executive branch, a state university, a community college, or a water management district for lobbying.

(b) A department of the executive branch, a state university, a community college, or a water management district that violates this subsection may be prohibited from lobbying the legislative or executive branch for a period not exceeding 2 years.

(c) This subsection shall not be construed to prohibit a department of the executive branch, a state university, a community college, or a water management district from retaining a lobbyist for purposes of representing the entity before the executive or legislative branch of the Federal Government. Further, any person so retained is not subject to the prohibitions of this subsection.

(d) A person who accepts public funds as compensation for lobbying in violation of this subsection may be prohibited from registering to lobby before the legislative or executive branch for a period not exceeding 2 years.

(e) A person may file a written complaint with the Commission on Ethics alleging a violation of this subsection. The commission shall investigate and report its finding to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet. Based upon the report of the Commission on Ethics or upon its own finding that a violation of this subsection has occurred, a house of the Legislature may discipline the violator according to its rules, and the Governor or the Governor and Cabinet, as applicable, may prohibit the violator from lobbying before the executive branch for a period not exceeding 2 years after the date of the formal determination of a violation. The Commission on Ethics shall adopt rules necessary to conduct investigations under this paragraph.

History.—s. 2, ch. 74-161; s. 4, ch. 93-121; s. 10, ch. 95-147.