

BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re GWENDOLYN J. LAFFERTY, )  
 )  
 Respondent. )  
\_\_\_\_\_ )

Complaint No. 25-157

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, January 23, 2026, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by Katherine Biacaniello (Complainant) of Bunnell, Florida.
2. Respondent, Gwendolyn J. Lafferty, allegedly serves as a Vice Chair of the City of Bunnell PZA Zoning Board.
3. The complaint alleges that Respondent violated the voting conflicts statute (Section 112.3143(4), Florida Statutes) as it relates to her ownership of property within an area that her Zoning and Planning Board voted to rezone as heavy industrial on May 6, 2025. According to the complaint, Respondent abstained from the vote but the complaint does not

allege whether she participated or whether Public disclosure was made at the appropriate time.<sup>1</sup> The complaint also alleges that Respondent failed to file a Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (Form 8B), as required by statute.

4. The Commission on Ethics has jurisdiction to investigate only those allegations "based upon personal knowledge or information other than hearsay." See Chapter 2024-53, Laws of Florida (amending Section 112.324(1)(a), Florida Statutes, to require an allegation to be "based upon personal knowledge or information other than hearsay" to be sufficient for investigation). Here, it does appear that Complainant has personal knowledge or bases the allegations on information other than hearsay. Complainant relies on admissions by Respondent made on social media posts and on Respondent's public abstention from the vote.

5. Section 112.3143(3)(a), Florida Statutes, is implicated by allegations in the complaint. Section 112.3143(3)(a) states:

No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

Section 112.3143(3)(a) prohibits an appointed public officer from voting on a matter that will inure to his or her own special private gain or loss or to the special private gain or loss of a relative, business associate, or a principal by whom he or she is retained.

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<sup>1</sup> Complainant alleges that Respondent's mere presence during the discussion constituted participation and was therefore a violation of Section 112.3143(4), Florida Statutes. Without more, her mere presence does not indicate a violation of Section 112.3143(4). Participation is defined in Section 112.3143(4)(c), Florida Statutes. As such, the allegation cannot form the basis for an investigation.

Section 112.3143(4)(a) States:

Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

The proper form to be used for this disclosure is the Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (Form 8B)

6. The complaint fails to indicate a possible violation of Section 112.3143(3)(a) or Section 112.3143(4). To indicate a possible violation of the statute, a complaint must allege, in a factual, substantive, nonconclusory manner, that a respondent voted on a matter that would inure to his or her special private gain or loss or to the special private gain or loss of certain enumerated others. Here, the complaint fails to meet that burden because the vote in question did not present a voting conflict to Respondent. The vote in question consisted of the rezoning of an 1,842-acre piece of land. Respondent owns two parcels within the County. One of the parcels is .42 acres and the other is .36 acres.<sup>2</sup> This means that her total percentage of ownership in the affected land is approximately .04%. The Commission has often recognized a size of class exception to voting conflicts where the official's interest in the vote represents less than 1% of the total affected assets or class. Therefore, the facts as presented, fail to indicate a possible

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<sup>2</sup> Information on the properties was obtained from public records available through the Flagler County Property Appraiser. According to Rule 34-5.002(1), Florida Administrative Code, "In order to make this [legal sufficiency] determination, the Executive Director may request additional information from the complainant and may obtain information from public records."

violation of Section 112.3143(3)(a) or Section 112.313(4) and the required remedies for a voting conflict were not necessary.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, January 23, 2026.

January 28, 2026  
Date Rendered

  
Jon M. Philipson  
*Chair, Florida Commission on Ethics*

JMP/mdt

cc: Ms. Susan G. Gainey, Attorney for Respondent  
Ms. Katherine Biananiello, Complainant