

DATE FILED

JAN 28 2026

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re ALYSA L. JOHNSTON,)
)
 Respondent.)
_____)

Complaint No. 25-217

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, January 23, 2026, the Commission on Ethics met in its 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 Leslie Johnson of Palm Coast, Florida.
2. The Respondent, Alysa L. Johnston,¹ allegedly serves as the Acting City Manager for the City of Palm Coast.
3. The complaint alleges that various City officers and employees, including the Respondent, are serving on the boards of nonprofit organizations and charitable foundations that interact with the City, such as through entering contracts or receiving financial assistance. The complaint specifically identifies three entities where the Respondent is an officer: the Margarita

¹ The complaint indicates the Respondent also is known as "Lauren Johnston."

Society of Flagler County, the Palm Coast-Flagler County Regional Chamber of Commerce, and the Flagler County Education Foundation Society. The complaint claims the Respondent's affiliation with these three entities creates a prohibited conflict of interest for her.

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). It does not appear from the complaint that the allegations in paragraph 3 are all based on personal knowledge or information other than hearsay. For instance, while pages 7 and 8 of the complaint contain materials/content issued by the Margarita Society of Flagler Beach and the Palm Coast-Flagler Regional Chamber of Commerce indicating the Respondent is an officer—which would likely qualify for the business records hearsay exception found in Section 90.803(6), Florida Statutes²—there is no support provided for the allegation that the Respondent is affiliated with the Flagler Education Foundation Society. In addition, while the allegations in paragraph 3 hinge upon the three entities interacting with the City, the only interface described is that the City is a member of the Palm Coast-Flagler Regional Chamber of Commerce. No interactions are described between the City and either the Margarita Society of Flagler Beach or the Flagler County Education Foundation. Accordingly, the only allegation that meets the Commission's investigative standard is the claim that the Respondent is serving as an officer of the Chamber of Commerce, where the City is a member. Even if all the allegations in paragraph 3 were considered on their

² Rule 34-5.002(2)(a)2. of the Florida Administrative Code states an allegation in an ethics complaint will be considered to be based on information other than hearsay so long as the evidence supporting the allegation is hearsay that is, or likely would be, admissible under Sections 90.801 through 90.805, Florida Statutes. See also Florida Elections Commission v. Valliere, 45 So. 3d 506 (Fla. 4th DCA 2010).

merits, though, they still would not provide a legally sufficient basis for investigation, as explained below.

5. The prohibition in the Code of Ethics that is most relevant to the allegations in paragraph 3 is Section 112.313(7)(a), Florida Statutes, which states:

CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee . . .; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

To indicate a possible violation of any portion of Section 112.313(7)(a), the public officer or employee must have an "employment or contractual relationship" creating a prohibited conflict. However, the Commission has found that uncompensated service on the board of directors of a nonprofit organization—such as a local chamber of commerce—will not create an "employment or contractual relationship" for purposes of the statute. See CEO 20-13 (finding a city councilmember will not have a prohibited of interest under Section 112.313(7)(a) by serving as an uncompensated board member of a chamber of commerce, even if the chamber is receiving funds from the city). Here, even assuming the City is a member of the Palm Coast-Flagler Regional Chamber of Commerce, there is no claim that the Respondent is paid for her service as a Chamber director, or that she has any other financial or contractual connection to the Chamber in her private capacity. Without such allegations, the fact that she is involved with the Chamber does not create a conflict under Section 112.313(7)(a), as she has no "employment or contractual relationship" with it. And even accepting as true that the Respondent is also an officer of the Margarita Society

of Flagler Beach and the Flagler County Education Foundation, the complaint fails to indicate what interface—if any—these entities have with the City. Therefore, the claim that the Respondent's affiliation with these two entities creates a prohibited conflict is conclusory, and while material assertions of fact are taken as true in an analysis of legal sufficiency, conclusions or unwarranted deductions of fact are not a sufficiently specific basis for investigation.³

6. The complaint also claims the Respondent has not disclosed her service as an officer with the three entities described in paragraph 3 on a CE Form 1 ("Statement of Financial Interests"). Even if considered on the merits,⁴ this claim does not provide a legally sufficient basis to investigate. The only portion of the CE Form 1 that is relevant—which is the portion dealing with "Primary Sources of Income"—asks filers, pursuant to Section 112.3145(3)(a)1., Florida Statutes, to disclose each source of gross income exceeding \$2,500 during the disclosure period. The complaint here fails to indicate whether the Respondent was compensated by the three entities, or provide any information as to what such income might be. Without further allegations indicating not only that the Respondent received gross income from any of the entities, but that such income exceeded the \$2,500 threshold, the claim that she should have disclosed the entities on a CE Form 1 filing does not provide a legally sufficient basis for investigation.

7. The complaint raises a series of other allegations regarding the Respondent's affiliation with the three entities described in paragraph 3. The complaint alleges the Respondent:

³ While the complaint claims other City officers and employees are involved with separate organizations and entities interfacing with the City, these allegations cannot form the basis of an investigation against the Respondent. Moreover, while the complaint separately claims various City officers and employees other than the Respondent have committed each of the other allegations in the complaint, these claims also cannot support an investigation against the Respondent.

⁴ To the extent that the complaint is claiming the Respondent should have disclosed her affiliation with the Flagler County Education Foundation on a CE Form 1, this allegation fails to meet the Commission's investigative standard for the reasons discussed in paragraph 4.

(1) "appear[s]" to be leveraging her public role to promote, fund, or protect the interests of these entities; (2) uses her position to provide City resources and favorable treatment to these entities; and (3) may be providing favorable treatment to her co-directors when they appear before the City Council and City boards on behalf of other organizations. The only prohibitions over which the Commission has jurisdiction that are relevant to these allegations are Section 112.313(6), Florida Statutes,⁵ and Article II, Section 8(h)(2), Florida Constitution.⁶ However, to indicate a possible violation of either prohibition, there must be substantive, nonconclusory allegations of how a public officer or employee has used or abused his or her public position. Here, the complaint does not describe or identify any specific instance in which the Respondent used her position to assist, fund, promote, or otherwise provide favorable treatment to any particular entity, or to any of her co-directors when they appear before the City in other capacities. Without a specific allegation of how the Respondent used her position to provide an improper benefit to an individual or entity, these allegations are conclusory and cannot form a legally sufficient basis for investigation.

⁵ Section 112.313(6), Florida Statutes, states:

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. [Section 112.313(6), Florida Statutes]

Section 112.312(9), Florida Statutes, defines "corruptly" as

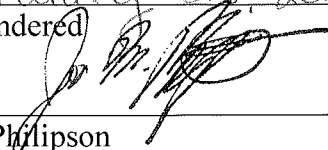
. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

⁶ The Constitutional prohibition applies if a public officer has "abuse[d] his or her public position in order to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts, in which he or she is an officer, partner, director, or proprietor; or in which he or she owns an interest.

8. The complaint further claims the Respondent may have been involved in decisions or arrangements that violated the Sunshine Law. However, the Sunshine Law, a provision found in Section 286.011, Florida Statutes, falls outside the jurisdiction of the Commission on Ethics, and is administered by the courts, State Attorneys, and the Attorney General. Moreover, the complaint fails to identify any instance in which the Respondent committed a Sunshine Law violation. Without such a specific example, any implication that the Respondent has misused her public position under Section 112.313(6) by committing a Sunshine Law violation is conclusory and does not provide a sufficient basis for investigation.

9. The complaint mentions several other prohibitions from the Code of Ethics, although none of them provide a basis to investigate any of the allegations described herein. For instance, while the complaint cites Section 112.311, Florida Statutes (Legislative Intent and Declaration of Policy), this statute, which sets out statements of legislative intent, does not in itself contain a standard of conduct that can either be violated or provide a basis for investigation. The complaint also cites Section 112.3143, Florida Statutes (Voting Conflicts), although it does not appear the Respondent, as City Manager, is serving in a voting position, and the complaint does not identify any specific vote that she made. And although the complaint further cites Section 112.313(8), Florida Statutes (Disclosure or Use of Certain Information), and the gift and honoraria prohibitions found in Sections 112.3148 and 112.3149, Florida Statutes, these statutes are not relevant to the allegations raised in the complaint.

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/gps

cc: Ms. Alys L. Johnston, Respondent
Ms. Leslie Johnson, Complainant