

DATE FILED

APR 24 2024

COMMISSION ON ETHICS

BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re EDWARD DANKO, )  
 )  
 Respondent. )  
\_\_\_\_\_ )

Complaint No. 24-024

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, April 19, 2024, 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 Jeremy Davis of Palm Coast, Florida.
2. The Respondent, Edward Danko, was allegedly the Deputy Mayor for the City of Palm Coast, Florida, at the time of the alleged misconduct.
3. The complaint alleges that Respondent received a campaign donation from Geosam Capital US ("Geosam"), which is the owner of property known as Old Kings Village.
4. The complaint also alleges that Respondent voted on several ordinances relating to the use of Old Kings Village.

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

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she 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, other than an agency as defined in s. 112.312(2); 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. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Section 112.3143(3)(a) prohibits local public officers from, among other things, voting on a matter that will inure to his or her special private gain or loss.

6. The complaint fails to indicate a possible violation of Section 112.3143(3)(a). 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 the special private gain or loss of a principal by whom he or she was retained, the respondent's relative, or business associate. Geosam's alleged campaign donation, if true, would not mean that Geosam is Respondent's business associate or principal by which Respondent is retained. Therefore, the complaint fails to allege that Respondent has voted on a matter that inures to the special private gain or loss of Respondent, Respondent's relative, Respondent's business associate, or a principal by whom Respondent was retained.

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, April 19, 2024.

April 24, 2024  
Date Rendered

  
\_\_\_\_\_  
Ashley Lukis  
*Chair, Florida Commission on Ethics*

AL/jcb

cc: Mr. Edward Danko, Respondent  
Mr. Jeremy Davis, Complainant