

## Statement of Facts

I observed what I think are multiple violations of the Florida ethics laws. I'd like to present what I observed, which is also recorded in transcripts and other public documents. The witnesses to what I observed include my other Broward County School Board members. I'd like to present a general statement describing the pertinent observations over a six-month period which includes numerous potential Florida ethics code violations. Lastly, I'd like to link specific actions to specific ethics law violations.

Most recently, I observed Torey Alston, a member of the Broward County School Board, step out of the June 18, 2024, School Board meeting room after declaring that he would not vote on the agenda item related to Broward County Schools paying Broward County charter schools roughly \$120 million. He stepped out of the School Board room and recused himself on this same item two more times, on May 21 and April 16, 2024. Torey Alston recused himself during these three School Board meetings after **advocating for the agenda item to pass**—I believed each time was a violation of Florida ethics law. When this occurred the first time, I said during the School Board meeting that I believed that I had just witnessed an ethics violation. The ethics violation that got my attention was Torey Alston advocating for an item, and then recusing himself from voting, violating § 112.313(6) Fla. Stat. and the Florida Constitution, Article II, sect. 8(h)(2).

Upon further review, I believe there have been other ethics violations by Torey Alston. It was found that after reporting ownership of a company, TCET Holding Companies, Inc., on his Form 6, Financial Disclosure Form submitted in 2022, Torey Alston:

- (1) Submitted a School Board member agenda item to the Broward County School Board that proposed paying charter schools, at least one of which was providing revenue to a firm from which he derived financial benefit, thus potentially using his public office for private gain;
- (2) advocated on this issue during five closed-door (“shade”) meetings and at least two School Board meetings before recusing himself from voting on this issue;
- (3) did not disclose his reason for recusal at three School Board meetings where he recused himself from voting on the charter school reimbursement issue;
- (4) did not properly disclose his reason for recusal on his signed Form 8b three times, and;
- (5) did not provide his written memorandum (Form 8b), as an appointed member to an elected board, to other members of the agency three times, nor did he read his recusal information at the subsequent next meetings on three occasions, violating § 112.3143(3)(a) Fla. Stat.

Torey Alston, as a member of the Broward County School Board, advocated multiple times in public and closed-door meetings for Broward County Schools to pay Broward charter schools roughly \$120 million. At the same time, a company that he owned in 2022, and continues to be owned by an immediate family member, received revenue from at least one Broward County charter school. Thus, Torey Alston advocated for revenue to flow to charter schools when at least one of the charter schools was distributing funds to a company from which he derives financial gain. Eventual recusal on voting on this matter does not excuse his repeated advocacy, over a six-month period, for payment and forms the basis for an ethics violation, using his public office for private gain, violating § 112.313(3) Fla. Stat. by indirectly purchasing goods and services from a company which an immediately family member owned more than 5 percent.

These acts could entail multiple violations of Florida ethics law—the essence of this statutory framework seeks to prohibit the use of public office for private gain. Accordingly, further investigation is merited.

### **Specific Actions Linked to Specific Ethics Laws**

- (1) Torey Alston submitted a School Board member agenda item to the Broward County School Board that proposed paying charter schools, at least one of which was providing revenue to a firm from which he derived financial benefit, thus potentially using his public office for private gain, violating § 112.313(6) Fla. Stat. by knowing he had a conflict.**

Codified by § 112.311 Fla. Stat., Florida ethics law states the following (emphasis added):

*(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.*

*(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.*

Codified by, § 112.3143 Fla. Stat., Florida ethics law states the following (emphasis added):

*(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to 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. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.*

**(2) Torey Alston advocated on this issue during five closed-door (“shade”) meetings (on 10/17/23, 11/8/23, 1/23/24, 3/12/24, and 4/16/24) and at least two School Board meetings (on 3/12/24 and 4/16/24) before recusing himself from voting on this issue (on 4/16/24, 5/21/24, and 6/18/24) violating FS 112.313(6) and Florida Constitution, Article II, section 8(h)(2).**

**(3) Torey Alston did not properly disclose his reason for recusal at two School Board meetings where he recused himself from voting on the charter school reimbursement issue.**

Codified by, § 112.3143 Fla. Stat., Florida ethics law states the following (emphasis added):

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to 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. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

**(4) Torey Alston did not properly disclose his reason for recusal on his signed Form 8b three times.**

Codified by, § 112.3143 Fla. Stat., Florida ethics law states the following (emphasis added):

*(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to 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. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.*

**(5) Torey Alston, an appointed member to an elected board, did not provide his written memorandum (Form 8b) to other members of the agency three times nor did he read his recusal information at the subsequent next meetings on three occasions, violating FS 112.3143(3)(a).**

Codified by, § 112.3143 Fla. Stat., Florida ethics law states the following (emphasis added):

*(4) 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.*

*(a) 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.*

*(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. 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.*