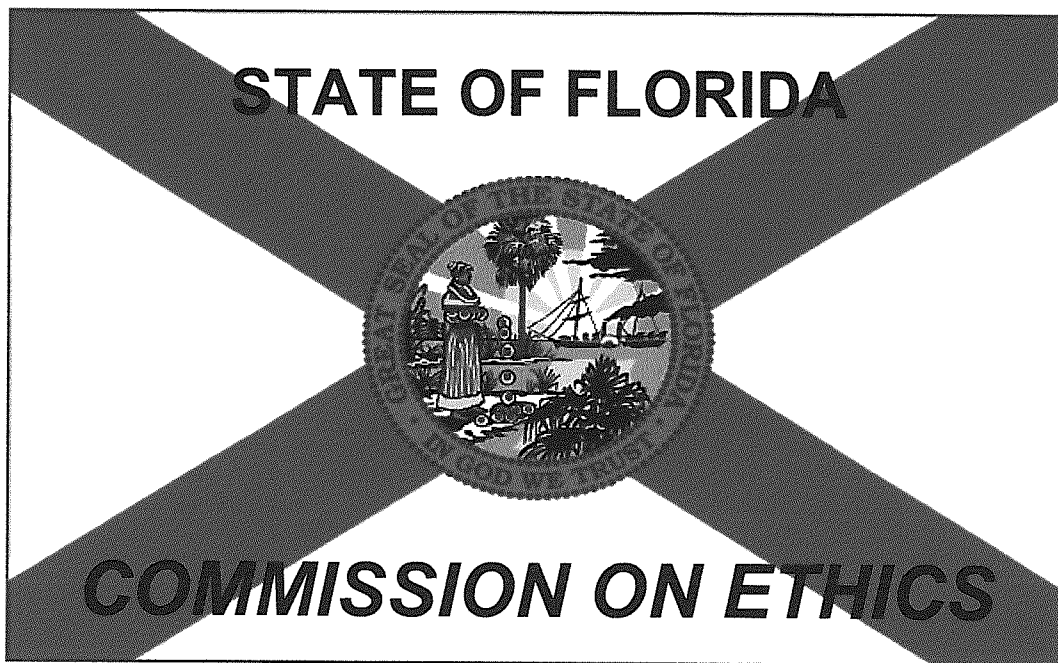


REPORT OF INVESTIGATION



Complaint Number 20-205

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter. *See Section 112.3215, Florida Statutes, regarding executive branch lobbying matters and confidentiality.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

REPORT OF INVESTIGATION

TITLE: ALISSA JEAN SCHAFER
Member of the Board of Supervisors
Broward Soil and Water Conservation District
Pembroke Pines, Florida

COMPLAINT NO.: 20-205
Exhibits A and B

INVESTIGATED BY: Thomas W. Reaves
Thomas W. Reaves

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: C. Christopher Anderson, III
C. Christopher Anderson, III
Executive Director

JANUARY 4 2021
Date /

* * * *

**REPORT OF INVESTIGATION
COMPLAINT NO. 20-205**

(1) Ms. Kim Adams of Montgomery, Alabama, alleges that Ms. Alissa Jean Schafer, while serving as a member of the Board of Supervisors of the Broward Soil and Water Conservation District, violated the Code of Ethics for Public Officers and Employees. The Complainant alleges that the Respondent failed to accurately disclose a source of income on her 2019 CE Form 1, "Statement of Financial Interests."

(2) The Executive Director of the Commission on Ethics determined that, based upon the information provided in the complaint, the allegations are sufficient to warrant a preliminary investigation to determine whether there is probable cause to believe the Respondent violated Section 112.3145, Florida Statutes (Disclosure of Financial Interests).

(3) In an email exchange with this investigator, the Respondent acknowledged that presently she serves as an elected member of the Board of Supervisors of the Broward Soil and Water Conservation District. She noted she was appointed to the position in April 2018, to fill a vacant seat, and then ran unopposed and automatically was elected to a four-year term of office in November 2018.

(4) The Complainant provided a copy of the Respondent's 2019 CE Form 1 (pages three and four of the complaint), which the Respondent filed on June 30, 2020, in her capacity as the Seat 4 Supervisor of the Broward Soil and Water Conservation District. The subject CE Form 1 reflects that under "Part A – Primary Sources of Income" on her 2019 CE Form 1 (page three of the complaint), the Respondent disclosed "Copper Stamp Strategy" (CSS) as one of her primary sources of income. Under "Part B – Secondary Sources of Income" on the Respondent's 2019 CE Form 1, the Respondent reported "Energy & Policy Institute" (EPI) as a major source of business income for CSS.

(5) The Complainant advised that she hired an attorney to research the EPI and determine what type of entity it is. She said the attorney reportedly conducted a "reasonably thorough search of public records and other resources," including records filed with various Secretaries of States and the Internal Revenue Service. However, she added, the attorney reported that he/she was unable to locate any records or documents identifying the EPI as a corporation, Limited Liability Company, or any other such entity. The attorney further reported that he was unable to find any record that the entity in question has registered with the Internal Revenue Service as a Tax Exempt Organization. The Complainant also provided a copy of a letter (pages five and six of the complaint), dated April 30, 2020, reflecting that Mr. John H. Merrill, the Alabama Secretary of State, also was unable to locate any records identifying the EPI as a corporation or any other type of business entity. The Complainant suspects that the Energy and Policy Institute does not exist and that the secondary source of income in question actually came from a different, undisclosed source.

Note: Alabama Secretary of State Merrill addressed the above-referenced letter to Mr. Daniel Tait of Huntsville, Alabama, and Mr. Merrill referred to Mr. Tait in his letter as previously having been identified as the "Research and Communications Manager for the Energy and Policy Institute."

(6) The Respondent's 2019 CE Form 1 reflects that the Respondent used the Comparative (Percentage) Threshold methodology as the manner of calculating her reportable interests. The threshold for secondary sources of income using the Comparative (Percentage) Threshold manner of calculating the same is provided by Section 112.3145(3)(a)2, Florida Statutes, which reads:

All sources of income to a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds \$1,500. The period for computing gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(7) As declared in the previously referenced email exchange with this Investigator, the Respondent stated that, to her knowledge, the EPI has never registered with any state or the federal government as a corporation, Limited Liability Company, non-profit organization, or any other such formal business entity. However, she asserts that the EPI is an actual business entity and that she properly identified and disclosed the EPI as a secondary source of income on her 2019 CE Form 1. She explained that she is the sole managing owner and director of CSS, which she noted is a "for-profit consulting firm that provides services for clients focused on communications, research, and political strategy." She maintains that the EPI is an existing business entity and a major client of CSS. She added:

My client [,] the Energy and Policy Institute [EPI] [,] is an unincorporated association based in California that operates an investigative policy website. I report to David Pomerantz, the executive director of the Energy & Policy Institute. As is explained on the EPI website, EPI's work is funded by contributions from non-profit charitable foundations that support climate action and environmental conservation. EPI does not receive funding from corporations, trade associations, governments, or anyone with a financial interest in the matters it works on.

(8) Records of the Florida Department of State, Division of Corporations confirm that the Respondent is the Registered Agent and sole Manager of Copper Stamp Strategy, LLC. The Respondent organized the subject entity on November 20, 2018.

(9) It was noted that under "Part B – Secondary Sources of Income" on the Respondent's 2019 CE Form 1, she reported that the EPI is located in San Francisco, California. Through a basic Google search of "Energy and Policy Institute," this Investigator confirmed that the entity is based in

San Francisco, California. Perusal of the EPI's website reflects that David Pomerantz is the Executive Director of the EPI and confirms that the Respondent accurately described the entity as reflected in paragraph seven of this Report of Investigation. The EPI's website further reflects that the organization cited the Respondent as the author of numerous articles and reports the EPI has published over the past several years. Copies of the EPI's mission statement and the Respondent's biography, both copied from the organization's website, are appended as Exhibits A and B, respectively.

(10) The Respondent advised that for tax purposes she calculates her income and expenses based upon the calendar year. She said her gross income for calendar year 2019, including all sources, was \$91,746.00. She added that CSS generated \$59,872.00 of that amount, which was greater than \$1,500 and exceeded the 10 percent threshold relative to the total income she earned during 2019. The Respondent next advised that the EPI paid CSS \$33,871.56 during calendar year 2019. The Respondent noted that \$33,871.56 equals approximately 57 percent of \$59,872.00, and greatly exceeded the 10 percent threshold related to the total amount of income generated by CSS during calendar year 2019. Consequently, the Respondent concluded, she properly disclosed the EPI as a secondary source of income on her 2019 CE Form 1.

END OF REPORT OF PRELIMINARY INVESTIGATION

EXHIBIT A

EXHIBIT A



The Energy and Policy Institute is a watchdog organization working to expose attacks on renewable energy and counter misinformation by fossil fuel and utility interests.

We need to power the economy with clean energy to address the climate crisis, and we have the tools to do that right now: renewable energy sources like wind and solar power are less expensive than fossil fuels; energy efficiency technologies save customers money and will hasten the transition to clean energy.

But coal, gas, and utility interests are fighting to stop the adoption of these clean energy solutions in order to protect their 20th-century business models.

EPI shines a light on the anti-clean energy, anti-democracy behavior of fossil fuel companies, utilities, and their lobbying and public relations machines. We provide communities with the information they need to hold corporations and policymakers accountable when they advocate for cleaner and fairer energy systems.

It's crucial to us that our work not only helps to accelerate the transition to clean energy, but that it does so in a way that challenges unjust structures and policies that have forced communities of color to bear the greatest harms of our energy system. From the siting of polluting infrastructure, to the energy burden that falls hardest on poor, working and low-wealth families via high utility bills and utility disconnections, to the disproportionate effects of climate change, we know that our energy systems have been rigged to harm the most marginalized communities the worst.

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Many U.S. electric utilities pl...

we continue to work every day at being the best allies we can be to communities working for environmental, energy and climate justice.

EXHIBIT B

EXHIBIT B

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Alissa Jean Schafer is a research and communications specialist at the Energy and Policy Institute. She has been tracking policy and advocacy efforts since 2014, following several years of work in the building materials and solar industry. Most recently, Alissa was the solar and communications manager at Southern Alliance for Clean Energy, managing many aspects of the statewide 2016 solar campaigns in Florida and working to advance good solar policy throughout the Southeast United States.

Alissa has a successful track record of working to effect change in the quest for climate change mitigation and adaptation. She is a recipient of the Solutions Project ONE100 award, serves on the Broward Soil and Water Conservation District, and is a former board member for the Broward County Ruth's List and Floridians for Lowered Energy Costs. Alissa is also a clean energy educator for Catalyst Miami, a consultant to many elected officials and candidates, and a former Sunshot Initiative coach for the Department of Energy.

Alissa holds an MS in Communication Science from Grand Valley State University in her home state of Michigan, along with her BS in Communications from Aquinas College. South Florida has been home since 2012. You can find her on Twitter at @alissajean and email her at alissa@energyandpolicy.org

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