

# Water Board Chair Receives Ethics Complaint

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[The Daytona Beach News Journal](#) has published an article about John Miklos, chairman of the St Johns River Water Management District's Governing Board. He has been criticized in the past for conflict of interest in that his private company allegedly does business with the board which he chairs.



Ethics complaint filed against Miklos for role in DeBary land deal

Water district board chairman's consulting targeted

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A Deltona resident has asked the Florida Commission on Ethics to look into the actions of John Miklos, an environmental consultant who serves as board chairman of the St. Johns River Water Management District.

Donald Mair is among many who have expressed concern because Miklos and his company, Bio-Tech Consulting Inc., represent the city of DeBary in its effort to acquire 102 acres of conservation land from the water district.

His DeBary work is one of dozens of times that Miklos' company has negotiated permit applications for clients since he was appointed to the board in March 2010, a News-Journal examination of records has found.

The city hired Miklos' company to evaluate the land near Gemini Springs last year. Then in April, the City Council approved a second contract with its engineering consultant, with Bio-Tech as a subcontractor to try to acquire the permits needed from the water district, state and federal governments to use the land for a transit-oriented development near the SunRail station. Of the \$40,000 total contract, \$38,500 was earmarked for Bio-Tech, including a rate of \$155 an hour for Miklos.

"That's 100 percent a conflict of interest," said Mair, a former DeBary resident, who reported he mailed the complaint to the ethics commission Tuesday.

Miklos did not respond to an email seeking comment. He has previously stated his role is ethical and within the law. He said he's "not precluded from doing anything," including negotiating among parties to try to get the best deal for the environment.

But Mair is incensed a board member responsible for protecting conservation land would be involved in a deal to give some of it away. "This is just government corruption," he said. "If we citizens don't stand up and address it, they're just going to keep doing it."

Miklos is "in a position of public trust with a duty to care for and manage lands of environmental importance," Mair wrote in his complaint to the commission.

Records show Miklos attended a meeting with the city staff and the district staff about the land deal last year, representing the district. Although district staff said they told the city the land should be their last resort, at least three city officials said they were later assured by Bio-Tech staff that the city's proposal to acquire the land in exchange for cleaning up DeBary Bayou could be approved.

Miklos said that was a miscommunication.

But the entire arrangement has prompted numerous questions about Miklos' work representing his company's clients before district staff while serving as board chairman, including the inherent conflicts in having consultants serve on the boards of the state's five water management districts, whether Miklos' position puts him at an unfair advantage over other consultants in recruiting clients and whether his role in DeBary is a violation of ethics or even federal law.

A News-Journal search of the district's online permitting system showed that Bio-Tech has represented clients in at least 33 cases since Miklos was appointed to the board in March 2010, with 22 coming since he became board chairman. Of those 22 applications, nine were approved, three did not require a permit and 10 were withdrawn.

However, a more in-depth search by district staff reported late Tuesday that the company has been listed as the agent, consultant or applicant on a total of 118 projects since January 2010.

Former board members and others say Miklos as chairman wields undue influence over the staff, who they also say are operating in a culture of fear because of numerous firings and forced resignations over the past year.

Miklos and the district's executive director, Ann Shortelle, dispute that allegation. Miklos has, however, been involved in a push by the board to dramatically reduce the turnaround time on all permit applications, after numerous complaints by the development community and local governments about unreasonable delays and requests by staff for additional information.

Board members are only required to declare a conflict of

interest when an item comes before the board for a vote. Miklos has declared a conflict nine times since March 2012, more than any of the other currently serving board members.

However, most permit applications never make it to the board, say former board members and other observers. Over the past eight years, the governing board has gradually turned over more authority to the executive director, meaning most permit decisions aren't made in public meetings, said Charles Lee, director of advocacy for Audubon Florida.

That's the real issue, said Lee. When an environmental consultant serves on a governing board and has clients coming in front of the district, Lee isn't sure whether it rises to the level of unethical or illegal, but, he said it's "an inherently unhealthy situation."

The trend to "take things away from governing boards and to shove them into the dark recesses of staff decisions" started in about 2009, pushed by developers who weren't happy when citizens showed up at board meetings and were able to get the boards to overturn staff recommendations, said Lee. "The voice of the public in front of the board on individual wetland permits has been taken away."

"As these things recede into the woodwork, the likelihood of bad deals gets more prevalent," said Lee. "It clearly disadvantages the general public and it places that person in line to do a special type of marketing to clients to say 'Hey, I'm on the governing board.'" "

"As a matter of policy, if you are an advocate for clients, you should not be on the governing board of a district that is reviewing the applications of those clients," Lee said.

There's no way a permitting director can "build a strong enough

fire wall,” to prevent giving special consideration to a permit application from a consulting firm owned by a board member, said Lee. “It doesn’t mean the people who are doing it now are unethical or doing anything wrong.”

“It’s not that they say anything to staff,” he said. “It’s a matter of human nature. The staff knows when an application from a consulting firm is affiliated with or owned by a board member.”

Search a [database of all permit applications](#) to the St. Johns River Water Management District involving Bio-Tech Consulting Inc.

Editor’s Note: This story has been corrected to show the district records were received on Tuesday.