

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re DONALD CARTER,)
)
)
)
)
Appellant.)

)

Financial Disclosure Appeal No. FD 16-020
Final Order No.

FINAL ORDER

This matter came before the Commission on Ethics, meeting in public session on April 21, 2017, on the timely appeal of Donald Carter, pursuant to Section 112.3145(7)(f), Florida Statutes, which assesses an automatic fine of \$25 per day on a person who fails to timely file a required CE Form 1, Statement of Financial Interests. The Commission may waive the fine in whole or in part for good cause shown, based on "unusual circumstances" surrounding the failure to file by the designated date. There are no matters in dispute. Appellant did not request a hearing before the Commission.

Findings of Fact

1. According to information provided to the Commission, Appellant was employed by the City of Haines City in a position requiring the filing of a CE Form 1, Statement of Financial Interests, for the year 2015. In 2016, the designated due date for submitting a 2015 CE Form 1 annual filing was July 1, 2016, with a grace period ending on September 1, 2016.
2. No later than June 1, 2015, the Polk County Supervisor of Elections sent Appellant a 2015 CE Form 1. This mailing was sent to 620 East Main Street, Haines City, FL 33844, the address of the City of Haines City, Appellant's employer.
3. No later than July 31, 2015, the Polk County Supervisor of Elections sent Appellant a Notice of Delinquency by certified mail. This notice was also sent to the 620 East

Main Street address. The notice was delivered and signed for by someone at Appellant's place of employment.

4. On August 17, 2016, the Commission mailed Appellant a postcard intended to remind him of his obligation to file a 2015 CE Form 1. The Commission mailed the postcard to the 620 East Main Street address.

5. On September 7, 2016, six days after the grace period expired, the Commission mailed Appellant a courtesy notice informing him that an automatic fine had begun to accrue. The Commission mailed this notice to the 620 East Main Street address.

6. On October 31, 2016, Commission staff emailed Appellant regarding his financial disclosure obligation and advised him that an automatic fine was being assessed against him. Commission staff also advised Appellant of his right to appeal the fine, and emailed him the 2015 CE Form 1 to complete.

7. On November 3, 2016, Appellant submitted his 2015 CE Form 1 to the Polk County Supervisor of Elections.

8. The amount of fine automatically assessed against Appellant was \$1,500.

9. On December 16, 2016, Appellant submitted his appeal to the Commission. In his appeal, Appellant requests that his fine be waived, stating that he left his position prior to December 31, 2015. Appellant also claims that he failed to timely file his disclosure form due to lack of notice. Appellant states that he was placed on administrative leave in December 2015, and was terminated on February 11, 2016, but that he never returned to his position after being placed on administrative leave. Appellant further states that it was not until the December 13, 2016 email from the Commission that he first became aware of his filing obligation. Upon

becoming aware of his filing obligation, Appellant immediately completed and filed the 2015 CE Form 1.

10. On February 16, 2017, the Commission mailed a Notice of Assessment of Automatic Fine to 169 James Circle, Lake Alfred, FL 33850, the address provided by Appellant in his appeal and financial disclosure filing. This mailing indicated the total of Appellant's accrued automatic fine. The mailing also included a notice of his right to appeal the fine.

11. On February 21, 2017, a Commission attorney spoke with the Financial Disclosure Coordinator who stated that Appellant submitted a resignation letter to the City of Haines City on January 27, 2016, resigning his position with the City of Haines City effective February 11, 2016.

12. Financial disclosure is required for designated persons who hold public office or public employment on December 31 of the form year.

Conclusions of Law

13. The Commission has jurisdiction over the subject matter of this proceeding pursuant to Section 112.3145, Florida Statutes.

14. Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government. In order to increase compliance, beginning in 2001 the Legislature provided for an automatic fine of \$25 per day, up to a cap of \$1,500, on persons who do not timely file their financial disclosure statements. Under the law, the Legislature permitted the Commission to waive a fine only "based upon unusual circumstances surrounding the failure to file on the designated due date"

15. Commission Rule 34-8.215, F.A.C., defines "unusual circumstances" as follows:

uncommon, rare or sudden events over which the reporting individual has no control and which directly result in the failure to act in accordance with the filing requirement. Circumstances which allow for time in which to take those steps necessary to assure compliance with the filing requirement shall be deemed not to constitute unusual circumstances.

16. Appellant's basis for the appeal of his fine is that he left his public position prior to December 31, 2015, and, therefore was not required to file a 2015 CE Form 1. Although Appellant claims that he left his public position prior to December 31, 2015, information provided to the Commission reflects that Appellant was employed by the City of Haines City until February 11, 2016. As such, Appellant was required to file a 2015 CE Form 1 with the Polk County Supervisor of Elections. Appellant's further basis for the appeal of his fine is that he did not receive notice of his obligation to file the 2015 CE Form 1, or any of the notices sent to him by the Polk County Supervisor of Elections or the Commission since he had left his position with the City of Haines City, and all of the notices were sent to address where he had previously worked. It appears that notices concerning Appellant's filing obligations were sent to his previous place of employment and were not forwarded to him. Appellant's basis for the appeal of his fine, that he did not receive notification of his obligation to file the 2015 CE Form 1, constitutes an "unusual circumstance" that justifies waiving the \$1,500 fine.

Order

Based on the foregoing facts and conclusions of law, the Commission hereby waives the assessed fine of \$1,500.

ORDERED by the State of Florida Commission on Ethics meeting in public session on
Friday, April 21, 2017.

Date Rendered

Matthew F. Carlucci
Chair, Florida Commission on Ethics

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.68, AND SECTION 112.3241, FLORIDA STATUTES, BY FILING A NOTICE OF ADMINISTRATIVE APPEAL PURSUANT TO RULE 9.110 FLORIDA RULES OF APPELLATE PROCEDURE, WITH THE CLERK OF THE COMMISSION ON ETHICS, AT EITHER 325 JOHN KNOX ROAD, BUILDING E, SUITE 200, TALLAHASSEE, FLORIDA 32303 OR P.O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709; AND BY FILING A COPY OF THE NOTICE OF APPEAL ATTACHED TO WHICH IS A CONFORMED COPY OF THE ORDER DESIGNATED IN THE NOTICE OF APPEAL ACCOMPANIED BY THE APPLICABLE FILING FEES WITH THE APPROPRIATE DISTRICT COURT OF APPEAL. THE NOTICE OF ADMINISTRATIVE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

MFC:jmk

Copy furnished to:

Mr. Donald Carter
169 James Circle
Lake Alfred, FL 33850

FORM 1

STATEMENT OF FINANCIAL INTERESTS

2015

Please print or type your name, mailing address, agency name, and position below:

LAST NAME - FIRST NAME - MIDDLE NAME :

Donald Carter

MAILING ADDRESS :

169 James Circle

CITY :

Lake Alfred

ZIP :

33850

COUNTY :

Folk

NAME OF AGENCY :

City of Haines City

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

Finance Director

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

RECEIVED LORIE EDWARDS SUPERVISOR OF ELECTION 16 NOV -5 AM 9:41

SCANNED

**** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2015 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR DOLLAR VALUE THRESHOLDS

PART A - PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 3 columns: NAME OF SOURCE OF INCOME, SOURCE'S ADDRESS, DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY. Row 1: City of Haines City, City Government.

PART B - SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 4 columns: NAME OF BUSINESS ENTITY, NAME OF MAJOR SOURCES OF BUSINESS' INCOME, ADDRESS OF SOURCE, PRINCIPAL BUSINESS ACTIVITY OF SOURCE.

PART C - REAL PROPERTY [Land, buildings owned by the reporting person - See instructions] (If you have nothing to report, write "none" or "n/a")

Table with 1 column for listing real property.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2. INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions] (If you have nothing to report, write "none" or "n/a")	
TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts - See instructions] (If you have nothing to report, write "none" or "n/a")	
NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions] (If you have nothing to report, write "none" or "n/a")		
	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING
For elected municipal officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE OF FILER:

Signature: _____
Donald Carter

Date Signed: _____
10/31/2016

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

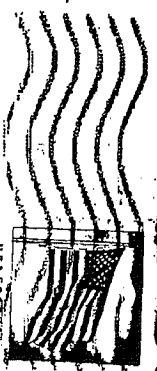
<p>WHAT TO FILE:</p> <p>After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.</p> <p>If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).</p> <p>NOTE:</p> <p>MULTIPLE FILING UNNECESSARY:</p> <p>A candidate who previously filed Form 1 because of another public position must file a copy of his or her Form 1 when qualifying. A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.</p> <p>Facsimiles will not be accepted.</p>	<p>WHERE TO FILE:</p> <p>If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.</p> <p>Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)</p> <p>State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303.</p> <p>Candidates file this form together with their qualifying papers.</p> <p>To determine what category your position falls under, see page 3 of instructions.</p>	<p>WHEN TO FILE:</p> <p>Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment. Candidates must file at the same time they file their qualifying papers.</p> <p>Thereafter, file by July 1 following each calendar year in which they hold their positions.</p> <p>Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2015.</p>
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Donald Courtois
169 James Circle
Lake Alfred, Florida 33850

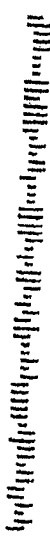
RECEIVED
LORI EDWARDS
SUPERVISOR OF ELECTION
16 NOV -5 AM 9:34

Lori Edwards
Polk County Supervisor of Elections
P.O. Box 1460
Bartow, Florida 33831-1460

TAMPA FL 335
SAINT PETERSBURG FL
03 NOV 2016 PM 9 1



33831-146060



16-20



STATE OF FLORIDA COMMISSION ON ETHICS

325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303
Telephone: (850) 488-7864
Fax: (850) 488-3077
Email: disclosure@leg.state.fl.us

FLORIDA
COMMISSION ON ETHICS

MAR 21 2017

RECEIVED

APPEAL OF AUTOMATIC FINE FOR FORM YEAR 2015

DIRECTIONS: The information you provide in this form is critical for processing your appeal in a timely manner.

In Part A, please provide current contact information. If your contact information changes while your appeal is being processed, please notify us.

In Part B, please check any boxes that specify the general reason(s) for your appeal.

In Part C, please explain in detail the reason(s) for your appeal. In addition to your written explanation in Part C, you may attach any documents that support your appeal.

IMPORTANT: TO PRESERVE YOUR RIGHT TO APPEAL, THIS FORM OR OTHER WRITTEN APPEAL (AND ANY ATTACHMENTS) MUST BE FILED WITH (RECEIVED BY) THE COMMISSION ON ETHICS WITHIN THIRTY (30) DAYS OF THE DATE THE NOTICE OF ASSESSMENT OF AUTOMATIC FINE WAS MAILED TO YOU.

PLEASE SEND YOUR COMPLETED FORM TO ONE OF THE FOLLOWING:

Mailing Address: Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Physical Address: Commission on Ethics
325 John Knox Road
Building E, Suite 200
Tallahassee, FL 32303

Fax: (850) 488-3077

Email: disclosure@leg.state.fl.us

PART A: YOUR INFORMATION

Name: Donald Carter

Address: 169 James Circle City: Lake Alfred State: FL Zip: 33850

Daytime Tel.: (863) 409-2183 Cell: Same

Email: dcarterlsu@outlook.com Filer ID# (if known): 204555

Public Employer: City of Haines City

Public Position: Finance Director

CONTINUED ON REVERSE SIDE

PART B: GENERAL REASON(S) FOR YOUR APPEAL

Please choose any/all reasons that apply to your appeal.

I hereby appeal the Notice of Assessment of Automatic Fine on the following basis:

- a. **Sickness or injury** (Explain in Part C and attach a statement from attending physician, including dates and nature of illness or injury)
- b. **Lack of notification – Failure to receive notice** (Explain in Part C and provide documentation that supports your assertion that you never received certified mail delinquency notice: for example, incorrect address; misdelivered mail; change in employment; extended absence from home, etc.)
- c. **Claim of timely filing of financial disclosure** (Explain in Part C and provide copy of certified mail receipt and/or copy of completed form which had been previously filed, along with a sworn notarized statement that you filed prior to the deadline)
- d. **Left public position prior to December 31, 2015** (Explain in Part C and provide confirmation from agency that your office-holding/employment ended before 12/31/2015)
- e. **Other unusual circumstance** (Explain in Part C and provide documentation explaining uncommon, rare, or sudden occurrence that prevented timely filing prior to deadline)

PART C: DETAILED EXPLANATION OF YOUR APPEAL

Please provide a detailed explanation of your appeal, including why each option you selected in Part B is applicable to you. You may use the space provided and/or attach additional pages.

I was placed on administrative leave 12/31/2015 and never returned to work for the City of Haines City (See attached Notice of Investigation). My official last day of work was 2/11/2016. Through the process of my separation from Haines City and the time I was unemployed I didn't consider the need to file a financial disclosure form regarding Haines City, I didn't work there. It wasn't until I began working for the City of Davenport in late August 2016 that the need to file for 2015 was considered.

OPTIONAL REQUEST FOR HEARING

In addition to this written appeal, I specifically request to appear before the Commission in a hearing pursuant to Section 112.3144(5)(e)3 or Section 112.3145(7)(f)3, Florida Statutes. Commission meetings occur in Tallahassee.

SIGNATURE

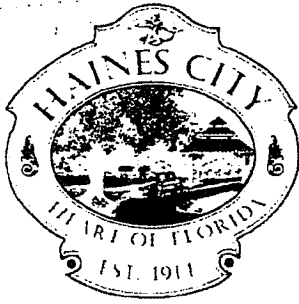
I have received and read the Notice of Assessment of Automatic Fine and its instructions on How to Appeal and I understand my options. I am requesting disposition of this matter as indicated.

3/15/17
DATE

Donald C. Curtis
SIGNATURE

PART C: DETAILED EXPLANATION OF YOUR APPEAL

I was boxing up some paperwork and documentation regarding my employment in Haines City that I came across a 2015 CE Form 1. *I didn't think much of it and didn't remember receiving it but decided to file the form since I was now working for the City of Davenport.* I filed the form as soon as I could. My failure to submit in a timely manner was simply me not considering it as a requirement since I did not work for Haines City any longer. With the circumstances of my separation and the fact that I was out of work for many months, filing the 2015 CE Form 1 was not something I thought much about. I respectfully request that any fines be waived due to the circumstances that surround the failure to comply with the filing requirements.



City of Haines City

NOTICE OF INVESTIGATION

TO: Donald Carter, Finance Director

FROM: Kandace M. Tappen, Human Resources Director

DATE: December 31, 2015

SUBJECT: Notice of Investigation

You are hereby notified that an investigation is being conducted in which you may have been involved with to an alleged violation(s) of agency policy and/or procedure(s). A summary of this investigation follows:

Jonathan E. Evans, City Manager, has filed a complaint with the City of Haines City Human Resources Department regarding alleged authorization of an ICMA 457 *Transfer from ICMA-RC to ICMA-RC Form* (Transfer Form) for an ex-employee. (Please see attached copies of correspondence between ICMA and the City Manager, and ICMA and ex-employee Kelly Callihan, to include the transfer form.)

This investigation may consist of recorded oral interviews with you and any person(s) who may have information relevant to the above complaint. The date and time of your interview is scheduled for **To Be Announced** and will be held at City Hall, Human Resources Department's Conference Room, 620 E. Main Street, Haines City, FL 33844.

To protect the integrity of the process, you are directed not to discuss this investigation, your statement, any other statement(s), or evidence that you may have reviewed or are privy to until the time you are notified that the investigation is closed. Violating this directive shall be grounds for disciplinary action and/or grounds for immediate termination.

During this investigation you will be placed on administrative leave with pay. If the investigation results in a recommendation for termination, you will be afforded an "appeal" process, in accordance with currently established practices. While on administrative leave with pay, you will be required to be available to the City of Haines City, as you normally would, by phone and/or e-mail and are required to call Rick Sloan, Public Safety Director, every morning at 8:30 a.m. to check-in. If you have any questions regarding this investigation, you may contact Kandace M. Tappen, Human Resources Director, at 863-421-9929 or ktappen@hainescity.com; or Rick Sloan, Public Safety Director, at 863-287-8361 or rsloan@hainescity.com.

Donald Carter
169 James Circle
Lake Alfred, Florida 33850

January 27, 2016

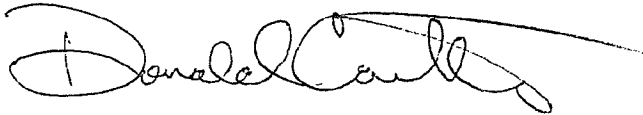
Jonathan Evans, City Manager
City of Haines City
620 E. Main Street
Haines City, Florida 33844

Dear Jonathan,

I am writing this letter as my formal resignation from the City of Haines City, effective ~~March 9,~~ ^{Feb 11th} 2016. This is a 30 work day notice as required by the City's personnel rules and regulations. I have enjoyed my time with the City of Haines City and have made many meaningful associations that I will carry with me the rest of my life.

Going forward if there is any assistance I can provide the Finance Department, please do not hesitate to ask. Again I want to thank the City for the opportunity to serve for the past eleven years.

Sincerely,



Donald Carter

*Ineligible for Rehire,
Notice requirements per
the Personnel Manual
waived*



City Manager
1/29/2016

KNIGHT.JOHN

From: Linda Bourgeois <lbourgeois@hainescity.com>
Sent: Tuesday, February 21, 2017 11:10 AM
To: KNIGHT.JOHN
Subject: FW: CRITICALLY IMPORTANT MUST READ - Notice of Separation
Attachments: 2016 Finance Director Recruitment Brochure 1-14-16.pdf; 2016 Finance Director 1-22-16 (003).pdf; 2016 Donald Carter - Voluntary Separation Agreement 01-19-16.pdf; KGiddens Resignation.pdf

Importance: High

Linda Bourgeois, BAS, MMC

City Clerk
City of Haines City
620 E Main Street, Haines City, FL 33844
Office (863) 421-9921 (Ext. 5113)
Fax (863) 421-3626
Email: LBourgeois@hainescity.com
<http://www.HainesCity.com>

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Our Mission

"Our team of professionals will provide our residents and business community with the highest quality services in a fiscally responsible manner through cooperation, strong ethical leadership with a lifelong commitment to enriching lives."

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Haines City, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Rosie Hernandez **On Behalf Of** Jonathan Evans
Sent: Monday, January 25, 2016 5:31 PM
To: commission@hainescity.com
Cc: Kari Giddens <KGiddens@hainescity.com>; Richard Sloan <RSloan@hainescity.com>; Kandace M. Tappen <ktappen@hainescity.com>; fredreilly@attorney-solicitor.com
Subject: CRITICALLY IMPORTANT MUST READ - Notice of Separation
Importance: High

Honorable Mayor and City Commissioners:

The intent of this email is to inform you that I have decided to part ways with our Finance Director, Mr. Donald Carter. Obviously, this decision was an extremely tough one for multiple reasons. Nevertheless, because of the actions taken by Mr. Carter, as well as other performance-related issues, I felt that it was only appropriate to part ways with this individual. You are more than welcome to view Mr. Carter's personnel file at your leisure. No administrator should ever find joy in these acts, and coming to this conclusion was very difficult for various reasons.

Working in collaboration with our labor attorney, Human Resources Director Kandace Tappen, and Public Safety Director Rick Sloan, we have formulated a plan that provides for an amicable separation between both parties. It is not our intent to adversely impact Mr. Carter's ability to find gainful employment and provide for his family during this interim period. Attached you will find the separation agreement that has been provided to Mr. Carter for consideration. Mr. Carter has 21 days to consider this agreement and seven days to revoke the agreement after execution. Those benchmarks are consistent with the Older Americans Act (OAA) (Pub. L. 89-73 Stat. 218). If Mr. Carter does not execute the document in the time specified in the separation agreement, it will result in his immediate termination, and it is our hope that that will be avoided.

During this transition period, Ms. Kari Giddens will serve all as the Interim Finance Director until a permanent replacement is found. It is my goal to move very swiftly with this appointment, for it is a critical position for this organization. Secondly, we will be looking to secure some assistance from accounting firms in order to mitigate any year-end issues we may experience. Interim Director Giddens has made it abundantly clear that she would like to serve in the capacity of Interim Director as short as possible. In addition, it is with great trepidation to report to you that Interim Director Giddens has tendered her resignation effective April 29, 2016. This has been in the works for some time now, and this is a personal decision for her and her family. It pains us greatly to see her go, but it's for the right reasons. I have told her she's always got a home here. Attached is her letter of resignation.

If there are any questions, comments or concerns applicable to these matters, please do not hesitate to schedule an appointment with me or any Staff. Again, thank you for your support and understanding. I am confident that we will find suitable replacements to assist us to continue to maintain a fiscally strong organization with transparency and good governance at the forefront.

Attachments:

- Finance Director Donald Carter's Separation Agreement
- Finance Director Posting Announcement
- Finance Director Recruitment Brochure
- Interim Finance Director Kari Giddens' Letter of Resignation

Respectfully submitted,

Jonathan E. Evans, MPA, MBA, ICMA-CM

City Manager

City of Haines City

620 E. Main Street

Haines City, FL 33844

O (863) 421-3650 / C (863) 259-0509

www.HainesCity.com

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Our Mission

"Our team of professionals will provide our residents and business community with the highest quality services in a fiscally responsible manner through cooperation, strong ethical leadership with a lifelong commitment to enriching lives."

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KNIGHT.JOHN

From: Linda Bourgeois <lbourgeois@hainescity.com>
Sent: Tuesday, February 21, 2017 11:10 AM
To: KNIGHT.JOHN
Subject: FW: Finance Dir. Carter Resignation

Linda Bourgeois, BAS, MMC

City Clerk
City of Haines City
620 E Main Street, Haines City, FL 33844
Office (863) 421-9921 (Ext. 5113)
Fax (863) 421-3626
Email: LBourgeois@hainescity.com
<http://www.HainesCity.com>

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From: Rosie Hernandez **On Behalf Of** Jonathan Evans
Sent: Monday, February 01, 2016 10:48 AM
To: commission@hainescity.com
Cc: fredreilly@attorney-solicitor.com; Kandace M. Tappen <ktappen@hainescity.com>; Linda Edwards (ledwards@rumberger.com) <ledwards@rumberger.com>
Subject: Finance Dir. Carter Resignation

Honorable Mayor and City Commissioners,

The intent of this email is to inform you that former Finance Director Donald Carter, has refused to execute the separation agreement; however, he preferred to tender his resignation. Since Mr. Carter voluntarily tendered his resignation, he has lost his legal argument for adverse employment action for wrongful termination. Attached you will find Mr. Carter's Letter of Resignation.

Staff has been in constant communications with our Labor Attorney to ensure we have mitigated any legal actions against the City because of this separation. We're confident that we have afforded Mr. Carter fair and equitable treatment considering the circumstances.

Should you like to view the investigatory file, you're more than welcome to schedule an appointment with Director Tappen.

Respectfully Submitted,

Jonathan E. Evans, MPA, MBA, ICMA-CM

City Manager

City of Haines City

620 E. Main Street

Haines City, FL 33844

O (863) 421-3650 / C (863) 259-0509

www.HainesCity.com

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*"Our team of professionals will provide our residents and business community
with the highest quality services in a fiscally responsible manner
through cooperation, strong ethical leadership
with a lifelong commitment to enriching lives."*

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Haines City, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Donald Carter
169 James Circle
Lake Alfred, Florida 33850

January 27, 2016

Jonathan Evans, City Manager
City of Haines City
620 E. Main Street
Haines City, Florida 33844

Dear Jonathan,

I am writing this letter as my formal resignation from the City of Haines City, effective ~~March 9,~~ ^{Feb 11th} 2016. This is a 30 work day notice as required by the City's personnel rules and regulations. I have enjoyed my time with the City of Haines City and have made many meaningful associations that I will carry with me the rest of my life.

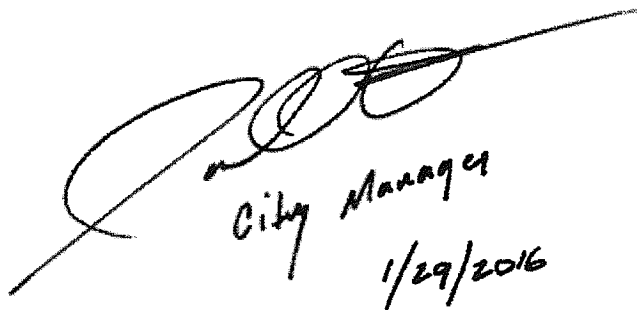
Going forward if there is any assistance I can provide the Finance Department, please do not hesitate to ask. Again I want to thank the City for the opportunity to serve for the past eleven years.

Sincerely,



Donald Carter

*Ineligible for Retiree,
Notice requirements per
the personnel Manual
waived*



City Manager
1/29/2016